

IN THE SENATE

SENATE BILL NO. 1069

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO PROVIDE FOR A FISCAL REPORT CARD; REPEALING SECTION 33-129, IDAHO CODE, RELATING TO MATCHING GRANTS FOR SCIENCE EDUCATION PROGRAMS; AMENDING SECTION 33-357, IDAHO CODE, TO REVISE A DEFINITION, TO PROVIDE THAT A CERTAIN INTERNET BASED WEBSITE SHALL INCLUDE AN ANNUAL BUDGET AND MASTER LABOR AGREEMENTS; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE AND TO PROVIDE FOR EXCEPTIONS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PROGRAM SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PROGRAM SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PROGRAM SUPPORT UNITS; AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PROGRAM SUPPORT UNITS; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE A PROVISION RELATING TO STAFF ALLOWANCE AND COSTS OF PROVIDING VIRTUAL EDUCATION COURSEWORK; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AMOUNTS REQUIRED TO MEET OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004I, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PAY FOR PERFORMANCE, HARD TO FILL POSITIONS, LEADERSHIP AWARDS AND TO PROVIDE FOR DISTRIBUTION OF MONEYS; AMENDING SECTION 33-1020, IDAHO CODE, TO DELETE A PROVISION RELATING TO MONEYS DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO MATH AND SCIENCE REQUIREMENTS AND THE DISTRIBUTION OF MONEYS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC SCHOOL TECHNOLOGY AND EXPENDITURES OR DISTRIBUTIONS OF MONEYS FOR

SUCH; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO DUAL CREDIT; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO ONLINE COURSES AND MOBILE COMPUTING DEVICES AND TO PROVIDE FOR CERTAIN EXPENDITURES OR DISTRIBUTIONS OF MONEYS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627A, IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE DECLARES CERTAIN DEVICES TO BE OF NOMINAL VALUE AND THAT A TRANSFER OF SUCH DEVICES IS A BENEFIT TO THE STATE OF IDAHO AND ITS CITIZENS; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5216, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS AUTHORIZED TO OPERATE PUBLIC CHARTER HIGH SCHOOLS; PROVIDING LEGISLATIVE INTENT; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-125, Idaho Code, be, and the same is hereby amended to read as follows:

33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is hereby established as an executive agency of the state board of education a department known as the state department of education. The state superintendent shall serve as the executive officer of such department and shall have the responsibility for carrying out policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters, and to ~~administer grants for the promotion of science education as provided in sections 33-128 and 33-129, Idaho Code~~ post a fiscal report card on each school district and charter school on the department's internet site. The department shall perform the duties assigned to it as specified in section 67-5745D, Idaho Code, relating to the Idaho education network.

SECTION 2. That Section 33-129, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-357, Idaho Code, be, and the same is hereby amended to read as follows:

33-357. CREATION OF INTERNET BASED EXPENDITURE WEBSITE. (1) As used in this section, unless otherwise required:

(a) "Education provider" means:

(i) A school district, including a specially chartered district organized and existing pursuant to law;

(ii) A cooperative services agency ~~or intermediate school district;~~

(iii) A public charter school authorized pursuant to state law;

(iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.

(b) "Entity" means a corporation, association, union, limited liability company, limited liability partnership, grantee, contractor, local government or other legal entity, including a nonprofit corporation or an employee of the education provider.

(c) "Public record" shall have the same meaning as set forth in chapter 3, title 9, Idaho Code.

(2) (a) No later than December 1, 2011, each education provider shall develop and maintain a publicly available website where the education provider's expenditures are posted in a nonsearchable PDF format, a searchable PDF format, a spreadsheet or in a database format.

(b) The internet based website shall include the following data concerning all expenditures made by the education provider:

(i) The name and location or address of the entity receiving mon-
eys;

(ii) The amount of expended moneys;

(iii) The date of the expenditure;

(iv) A description of the purpose of the expenditure, unless the expenditure is self-describing;

(v) Supporting contracts and performance reports upon which the expenditure is related when these documents already exist; and

(vi) To the extent possible, a unique identifier for each expenditure;

(vii) The annual budget approved by the education provider's governing board, to be posted within thirty (30) days after its approval; and

(viii) Any current master labor agreements approved by the education provider's governing board.

(c) The expenditure data shall be provided in an open structured data format that may be downloaded by the user.

(d) The internet based website shall contain only information that is a public record or that is not confidential or otherwise exempt from public disclosure pursuant to state or federal law.

(3) The education provider shall:

(a) Update the expenditures contained on the internet based website at least monthly;

(b) Archive all expenditures, which shall remain accessible and on the internet based website for a number of years, consistent with state law regarding keeping and retention of records;

(c) Make the internet based website easily accessible from the main page of the education provider's website; and

(d) The website shall include those records beginning on the effective date of this act on July 1, 2011, and all data prior to that date shall be available by way of a public records request.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) ~~For expenditure as provided by the public school technology program as provided in section 33-1022, Idaho Code;~~

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For dual credit courses as provided in section 33-1626, Idaho Code;

(m) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;

(n) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;

(o) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

(mp) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time

for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of primary support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more	40	1 or more as computed
31 - 40.99 ADA	-	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
.01 - 7.99 ADA	-	count as elementary <u>primary</u>

COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

<u>Average Daily Attendance</u>	<u>Attendance Divisor</u>	<u>Minimum Units Allowed</u>
<u>80 or more ADA</u>	<u>20</u>	<u>4.2</u>
<u>55 - 79.99 ADA</u>	<u>19</u>	<u>3.4</u>
<u>35.5 - 54.99 ADA</u>	<u>16</u>	<u>2.4</u>
<u>25.8 - 35.49 ADA</u>	<u>15</u>	<u>2.0</u>
<u>16.8 - 25.79 ADA</u>	<u>13</u>	<u>1.4</u>
<u>8.3 - 16.79 ADA</u>	<u>12</u>	<u>0.7</u>
<u>.01 - 8.29 ADA</u>	<u>n/a</u>	<u>0.5</u>

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
300 or more ADA.....	.....	15
	..23...grades 4, 5 & 6....	
	..22...grades 1, 2 & 3....1994-95	
	..21...grades 1, 2 & 3....1995-96	
	..20...grades 1, 2 & 3....1996-97	
	— and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
150 or more ADA.....	24.25.....	7.1
80 - 149.99 ADA...	21.25.....	4.0
55 - 79.99 ADA...	20.25.....	3.2
35.5 - 54.99 ADA...	17.25.....	2.2
25.8 - 35.49 ADA...	16.25.....	1.8
16.8 - 25.79 ADA...	14.25.....	1.3
8.3 - 16.79 ADA...	13.25.....	0.6
.01 - 8.29 ADA...	n/a.....	0.5

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
750 or more	18.519.75.....	473.5
400 - 749.99 ADA....	167.25.....	285.4
300 - 399.99 ADA....	14.55.75.....	220.3
200 - 299.99 ADA....	13.54.75.....	175.1
100 - 199.99 ADA....	123.25.....	98
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	Grades 9-12	.....	6
4	Grades 7-9	.....	1 per 14 ADA
5	Grades 7- 8	.....	1 per 14 <u>7.25</u> ADA

6 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	14 <u>5.75</u> or more	14 <u>5.75</u>	1 or more as
10			computed
11	12 <u>.6</u> - 13 <u>.99</u> 5.74.....	-	1
12	8 <u>.4</u> - 11 <u>.99</u> 12.59.....	- .....	.75
13	4 <u>.2</u> - 7 <u>.99</u> 8.39.....	- .....	.5
14	<u>.01</u> - 3 <u>.99</u> 4.19.....	- .....	.25

15 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

16	Pupils in Attendance	Attendance Divisor	Minimum Units
17			Allowed
18	12 <u>3.25</u> or more.....	12 <u>3.25</u>	1 or more as
19			computed

20 In applying these tables to any given separate attendance unit, no
 21 school district shall receive less total money than it would receive if it
 22 had a lesser average daily attendance in such separate attendance unit. In
 23 applying the kindergarten table to a kindergarten program of less days than a
 24 full school year, the support unit allowance shall be in ratio to the number
 25 of days of a full school year. No school district reporting any number of
 26 students in average daily attendance for kindergarten through sixth grade
 27 shall receive less than one (1.0) support unit for such. The tables for
 28 exceptional education and alternative school secondary support units shall
 29 be applicable only for programs approved by the state department of educa-
 30 tion following rules established by the state board of education. Moneys
 31 generated from computation of support units for alternative schools shall be
 32 utilized for alternative school programs. School district administrative
 33 and facility costs may be included as part of the alternative school expen-
 34 ditures.

35 (5) State Distribution Factor per Support Unit. Divide educational
 36 support program distribution funds, after subtracting the amounts necessary
 37 to pay the obligations specified in subsection (2) of this section, by the
 38 total state support units to secure the state distribution factor per sup-
 39 port unit.

40 (6) District Support Units. The number of support units for each school
 41 district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 5. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

1 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 2 gram is calculated as follows:

3 (1) State Educational Support Funds. Add the state appropriation, in-
 4 cluding the moneys available in the public school income fund, together with
 5 all miscellaneous revenues to determine the total state funds.

6 (2) From the total state funds subtract the following amounts needed
 7 for state support of special programs provided by a school district:

8 (a) Pupil tuition-equivalency allowances as provided in section
 9 33-1002B, Idaho Code;

10 (b) Transportation support program as provided in section 33-1006,
 11 Idaho Code;

12 (c) Feasibility studies allowance as provided in section 33-1007A,
 13 Idaho Code;

14 (d) The approved costs for border district allowance, provided in sec-
 15 tion 33-1403, Idaho Code, as determined by the state superintendent of
 16 public instruction;

17 (e) The approved costs for exceptional child approved contract al-
 18 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 19 determined by the state superintendent of public instruction;

20 (f) Certain expectant and delivered mothers allowance as provided in
 21 section 33-2006, Idaho Code;

22 (g) Salary-based apportionment calculated as provided in sections
 23 33-1004 through 33-1004F, Idaho Code;

24 (h) Unemployment insurance benefit payments according to the provi-
 25 sions of section 72-1349A, Idaho Code;

26 (i) ~~For expenditure as provided by the public school technology program~~
 27 as provided for in section 33-1022, Idaho Code;

28 (j) For employee severance payments as provided in section 33-521,
 29 Idaho Code;

30 (k) For distributions to the Idaho digital learning academy as provided
 31 in section 33-1020, Idaho Code;

32 (l) For dual credit courses as provided in section 33-1626, Idaho Code;

33 (m) For additional math and science courses for high school students as
 34 provided in section 33-1021, Idaho Code;

35 (n) For costs associated with the online course requirement as provided
 36 in section 33-1627, Idaho Code;

37 (o) For certificated employee severance payment reimbursement as pro-
 38 vided in section 33-515B, Idaho Code;

39 (p) For pay for performance as provided in section 33-1004I, Idaho
 40 Code;

41 (q) For the support of provisions that provide a safe environment con-
 42 ductive to student learning and maintain classroom discipline, an allo-
 43 cation of \$300 per support unit; and

44 ~~(mr)~~ Any additional amounts as required by statute to effect adminis-
 45 trative adjustments or as specifically required by the provisions of
 46 any bill of appropriation;

47 to secure the total educational support distribution funds.

48 (3) Average Daily Attendance. The total state average daily attendance
 49 shall be the sum of the average daily attendance of all of the school dis-
 50 tricts of the state. The state board of education shall establish rules set-

ting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of primary support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more	40	1 or more as computed
31 - 40.99 ADA	-	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
<u>.01 - 7.99 ADA</u>	-	count as elementary <u>primary</u>

COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

<u>Average Daily Attendance</u>	<u>Attendance Divisor</u>	<u>Minimum Units Allowed</u>
<u>80 or more ADA</u>	<u>20</u>	<u>4.2</u>
<u>55 - 79.99 ADA</u>	<u>19</u>	<u>3.4</u>
<u>35.5 - 54.99 ADA</u>	<u>16</u>	<u>2.4</u>
<u>25.8 - 35.49 ADA</u>	<u>15</u>	<u>2.0</u>
<u>16.8 - 25.79 ADA</u>	<u>13</u>	<u>1.4</u>
<u>8.3 - 16.79 ADA</u>	<u>12</u>	<u>0.7</u>
<u>.01 - 8.29 ADA</u>	<u>n/a</u>	<u>0.5</u>

~~COMPUTATION OF ELEMENTARY SUPPORT UNITS~~

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA . . . . .	..23..grades 4, 5 & 6..	..15
	..22..grades 1, 2 & 3....1994-95	

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3		..21...grades 1,2 & 3....1995-96	
4		..20...grades 1,2 & 3....1996-97	
5		— and each year thereafter.	
6	160 to 299.99 ADA...	20.....	8.4
7	110 to 159.99 ADA...	19.....	6.8
8	71.1 to 109.99 ADA...	16.....	4.7
9	51.7 to 71.0 ADA...	15.....	4.0
10	33.6 to 51.6 ADA...	13.....	2.8
11	16.6 to 33.5 ADA...	12.....	1.4
12	1.0 to 16.5 ADA...	n/a.....	1.0

13 COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

14	Average Daily		Minimum Units
15	Attendance	Attendance Divisor	Allowed
16	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
17	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
18	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>
19	<u>35.5 - 54.99 ADA...</u>	<u>18.....</u>	<u>2.1</u>
20	<u>25.8 - 35.49 ADA...</u>	<u>17.....</u>	<u>1.7</u>
21	<u>16.8 - 25.79 ADA...</u>	<u>15.....</u>	<u>1.2</u>
22	<u>8.3 - 16.79 ADA</u>	<u>14.....</u>	<u>0.6</u>
23	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

24 COMPUTATION OF SECONDARY SUPPORT UNITS

25	Average Daily		Minimum Units
26	Attendance	Attendance Divisor	Allowed
27	750 or more	18.5 <u>20.7</u>	47 <u>1.2</u>
28	400 - 749.99 ADA....	16 <u>8.2</u>	28 <u>4</u>
29	300 - 399.99 ADA....	14.5 <u>6.7</u>	22 <u>19.1</u>
30	200 - 299.99 ADA....	13.5 <u>5.7</u>	17 <u>4.1</u>
31	100 - 199.99 ADA....	12 <u>4.2</u>	9 <u>8</u>
32	99.99 or fewer	Units allowed as follows:	
33	Grades 7-12	.....	8
34	Grades 9-12	.....	6
35	Grades 7-9	.....	1 per 14 ADA
36	Grades 7- 8	.....	1 per 16 <u>8.2</u> ADA

37 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	14 <u>6.5</u> or more	14 <u>6.5</u>	1 or more as
4			computed
5	12 <u>3.7</u> - 13. 99 <u>6.49</u>	-	1
6	89.4 - 11. 99 <u>3.69</u>....	- .....	.75
7	4. <u>6</u> - 7. 99 <u>9.39</u>....	- .....	.5
8	<u>.01</u> - 3. 99 <u>4.59</u>....	- .....	.25

9 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

10	Pupils in Attendance	Attendance Divisor	Minimum Units
11			Allowed
12	12 <u>4</u> or more.....	12 <u>4</u>	1 or more as
13			computed

14 In applying these tables to any given separate attendance unit, no
 15 school district shall receive less total money than it would receive if it
 16 had a lesser average daily attendance in such separate attendance unit. In
 17 applying the kindergarten table to a kindergarten program of less days than a
 18 full school year, the support unit allowance shall be in ratio to the number
 19 of days of a full school year. No school district reporting any number of
 20 students in average daily attendance for kindergarten through sixth grade
 21 shall receive less than one (1.0) support unit for such. The tables for
 22 exceptional education and alternative school secondary support units shall
 23 be applicable only for programs approved by the state department of educa-
 24 tion following rules established by the state board of education. Moneys
 25 generated from computation of support units for alternative schools shall be
 26 utilized for alternative school programs. School district administrative
 27 and facility costs may be included as part of the alternative school expen-
 28 ditures.

29 (5) State Distribution Factor per Support Unit. Divide educational
 30 support program distribution funds, after subtracting the amounts necessary
 31 to pay the obligations specified in subsection (2) of this section, by the
 32 total state support units to secure the state distribution factor per sup-
 33 port unit.

34 (6) District Support Units. The number of support units for each school
 35 district in the state shall be determined as follows:

36 (a) (i) Divide the actual average daily attendance, excluding stu-
 37 dents approved for inclusion in the exceptional child educational
 38 program, for the administrative schools and each of the separate
 39 schools and attendance units by the appropriate divisor from the
 40 tables of support units in this section, then add the quotients
 41 to obtain the district's support units allowance for regular stu-
 42 dents, kindergarten through grade 12 including alternative school
 43 secondary students. Calculations in application of this subsec-
 44 tion shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 6. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

1 (b) Transportation support program as provided in section 33-1006,
 2 Idaho Code;
 3 (c) Feasibility studies allowance as provided in section 33-1007A,
 4 Idaho Code;
 5 (d) The approved costs for border district allowance, provided in sec-
 6 tion 33-1403, Idaho Code, as determined by the state superintendent of
 7 public instruction;
 8 (e) The approved costs for exceptional child approved contract al-
 9 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 10 determined by the state superintendent of public instruction;
 11 (f) Certain expectant and delivered mothers allowance as provided in
 12 section 33-2006, Idaho Code;
 13 (g) Salary-based apportionment calculated as provided in sections
 14 33-1004 through 33-1004F, Idaho Code;
 15 (h) Unemployment insurance benefit payments according to the provi-
 16 sions of section 72-1349A, Idaho Code;
 17 (i) For expenditure as provided by the public school technology program
 18 as provided for in section 33-1022, Idaho Code;
 19 (j) For employee severance payments as provided in section 33-521,
 20 Idaho Code;
 21 (k) For distributions to the Idaho digital learning academy as provided
 22 in section 33-1020, Idaho Code;
 23 (l) For dual credit courses as provided in section 33-1626, Idaho Code;
 24 (m) For additional math and science courses for high school students as
 25 provided in section 33-1021, Idaho Code;
 26 (n) For costs associated with the online course requirement as provided
 27 in section 33-1627, Idaho Code;
 28 (o) For certificated employee severance payment reimbursement as pro-
 29 vided in section 33-515B, Idaho Code;
 30 (p) For pay for performance, hard to fill positions and leadership
 31 awards as provided in section 33-1004I, Idaho Code;
 32 (q) For the support of provisions that provide a safe environment con-
 33 ductive to student learning and maintain classroom discipline, an allo-
 34 cation of \$300 per support unit; and
 35 (mr) Any additional amounts as required by statute to effect adminis-
 36 trative adjustments or as specifically required by the provisions of
 37 any bill of appropriation;
 38 to secure the total educational support distribution funds.
 39 (3) Average Daily Attendance. The total state average daily attendance
 40 shall be the sum of the average daily attendance of all of the school dis-
 41 tricts of the state. The state board of education shall establish rules set-
 42 ting forth the procedure to determine average daily attendance and the time
 43 for, and method of, submission of such report. Average daily attendance cal-
 44 culation shall be carried out to the nearest hundredth. Computation of av-
 45 erage daily attendance shall also be governed by the provisions of section
 46 33-1003A, Idaho Code.
 47 (4) Support Units. The total state support units shall be determined
 48 by using the tables set out hereafter called computation of kindergarten
 49 support units, computation of primary support units, computation of elemen-
 50 tary support units, computation of secondary support units, computation of

exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more	40	1 or more as computed
31 - 40.99 ADA	-	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
.01 - 7.99 ADA	-	count as elementary primary

COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
80 or more ADA	20	4.2
55 - 79.99 ADA	19	3.4
35.5 - 54.99 ADA	16	2.4
25.8 - 35.49 ADA	15	2.0
16.8 - 25.79 ADA	13	1.4
8.3 - 16.79 ADA	12	0.7
.01 - 8.29 ADA	n/a	0.5

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA . . . . .	..23...grades 4, 5 & 6 . . . .	..15
	..22...grades 1, 2 & 3 1994-95	
	..21...grades 1, 2 & 3 1995-96	
	..20...grades 1, 2 & 3 1996-97	
	— and each year thereafter.	
160 to 299.99 ADA	20	8.4
110 to 159.99 ADA	19	6.8
71.1 to 109.99 ADA	16	4.7
51.7 to 71.0 ADA	15	4.0

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	33.6 to 51.6 ADA...	13.....	2.8
4	16.6 to 33.5 ADA...	12.....	1.4
5	1.0 to 16.5 ADA...	n/a.....	1.0

6 COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
10	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
11	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>
12	<u>35.5 - 54.99 ADA...</u>	<u>18.....</u>	<u>2.1</u>
13	<u>25.8 - 35.49 ADA...</u>	<u>17.....</u>	<u>1.7</u>
14	<u>16.8 - 25.79 ADA...</u>	<u>15.....</u>	<u>1.2</u>
15	<u>8.3 - 16.79 ADA</u>	<u>14.....</u>	<u>0.6</u>
16	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

17 COMPUTATION OF SECONDARY SUPPORT UNITS

18	Average Daily		Minimum Units
19	Attendance	Attendance Divisor	Allowed
20	750 or more	18.5 <u>20.8</u>	471
21	400 - 749.99 ADA....	16 <u>8.3</u>	28 <u>3.8</u>
22	300 - 399.99 ADA....	14.5 <u>6.8</u>	22 <u>19</u>
23	200 - 299.99 ADA....	13.5 <u>5.8</u>	17 <u>4</u>
24	100 - 199.99 ADA....	12 <u>4.3</u>	9 <u>8</u>
25	99.99 or fewer	Units allowed as follows:	
26	Grades 7-12	.....	8
27	Grades 9-12	.....	6
28	Grades 7-9	.....	1 per 14 ADA
29	Grades 7- 8	.....	1 per 16 <u>8.3</u> ADA

30 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

31	Average Daily		Minimum Units
32	Attendance	Attendance Divisor	Allowed
33	<u>146.5</u> or more	<u>146.5</u>	1 or more as computed
34			
35	<u>123.7</u> - 13.99 <u>6.49</u>	-	1
36	<u>89.4</u> - 11.99 <u>3.69</u>....	- .....	.75

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	<u>4.6</u> - 7.99 <u>9.39</u>.....	- .....	.5
4	<u>.01</u> - 3.99 <u>4.59</u>.....	- .....	.25

5 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

6	Pupils in Attendance	Attendance Divisor	Minimum Units
7			Allowed
8	<u>124</u> or more.....	<u>124</u>	1 or more as
9			computed

10 In applying these tables to any given separate attendance unit, no
 11 school district shall receive less total money than it would receive if it
 12 had a lesser average daily attendance in such separate attendance unit. In
 13 applying the kindergarten table to a kindergarten program of less days than a
 14 full school year, the support unit allowance shall be in ratio to the number
 15 of days of a full school year. No school district reporting any number of
 16 students in average daily attendance for kindergarten through sixth grade
 17 shall receive less than one (1.0) support unit for such. The tables for
 18 exceptional education and alternative school secondary support units shall
 19 be applicable only for programs approved by the state department of educa-
 20 tion following rules established by the state board of education. Moneys
 21 generated from computation of support units for alternative schools shall be
 22 utilized for alternative school programs. School district administrative
 23 and facility costs may be included as part of the alternative school expen-
 24 ditures.

25 (5) State Distribution Factor per Support Unit. Divide educational
 26 support program distribution funds, after subtracting the amounts necessary
 27 to pay the obligations specified in subsection (2) of this section, by the
 28 total state support units to secure the state distribution factor per sup-
 29 port unit.

30 (6) District Support Units. The number of support units for each school
 31 district in the state shall be determined as follows:

32 (a) (i) Divide the actual average daily attendance, excluding stu-
 33 dents approved for inclusion in the exceptional child educational
 34 program, for the administrative schools and each of the separate
 35 schools and attendance units by the appropriate divisor from the
 36 tables of support units in this section, then add the quotients
 37 to obtain the district's support units allowance for regular stu-
 38 dents, kindergarten through grade 12 including alternative school
 39 secondary students. Calculations in application of this subsec-
 40 tion shall be carried out to the nearest tenth.

41 (ii) Divide the combined totals of the average daily attendance
 42 of all preschool, kindergarten, primary, elementary, secondary,
 43 juvenile detention center students and students with disabilities
 44 approved for inclusion in the exceptional child program of the
 45 district by the appropriate divisor from the table for computa-
 46 tion of exceptional education support units to obtain the number

of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 7. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

1 (d) The approved costs for border district allowance, provided in sec-
 2 tion 33-1403, Idaho Code, as determined by the state superintendent of
 3 public instruction;
 4 (e) The approved costs for exceptional child approved contract al-
 5 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 6 determined by the state superintendent of public instruction;
 7 (f) Certain expectant and delivered mothers allowance as provided in
 8 section 33-2006, Idaho Code;
 9 (g) Salary-based apportionment calculated as provided in sections
 10 33-1004 through 33-1004F, Idaho Code;
 11 (h) Unemployment insurance benefit payments according to the provi-
 12 sions of section 72-1349A, Idaho Code;
 13 (i) For expenditure as provided by the public school technology program
 14 as provided for in section 33-1022, Idaho Code;
 15 (j) For employee severance payments as provided in section 33-521,
 16 Idaho Code;
 17 (k) For distributions to the Idaho digital learning academy as provided
 18 in section 33-1020, Idaho Code;
 19 (l) For dual credit courses as provided in section 33-1626, Idaho Code;
 20 (m) For additional math and science courses for high school students as
 21 provided in section 33-1021, Idaho Code;
 22 (n) For costs associated with the online course requirement as provided
 23 in section 33-1627, Idaho Code;
 24 (o) For certificated employee severance payment reimbursement as pro-
 25 vided in section 33-515B, Idaho Code;
 26 (p) For pay for performance, hard to positions and leadership awards as
 27 provided in section 33-1004I, Idaho Code;
 28 (q) For the support of provisions that provide a safe environment con-
 29 ductive to student learning and maintain classroom discipline, an allo-
 30 cation of \$300 per support unit; and
 31 (mr) Any additional amounts as required by statute to effect adminis-
 32 trative adjustments or as specifically required by the provisions of
 33 any bill of appropriation;
 34 to secure the total educational support distribution funds.
 35 (3) Average Daily Attendance. The total state average daily attendance
 36 shall be the sum of the average daily attendance of all of the school dis-
 37 tricts of the state. The state board of education shall establish rules set-
 38 ting forth the procedure to determine average daily attendance and the time
 39 for, and method of, submission of such report. Average daily attendance cal-
 40 culation shall be carried out to the nearest hundredth. Computation of av-
 41 erage daily attendance shall also be governed by the provisions of section
 42 33-1003A, Idaho Code.
 43 (4) Support Units. The total state support units shall be determined
 44 by using the tables set out hereafter called computation of kindergarten
 45 support units, computation of primary support units, computation of elemen-
 46 tary support units, computation of secondary support units, computation of
 47 exceptional education support units, and computation of alternative school
 48 secondary support units. The sum of all of the total support units of all
 49 school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily		
Attendance	Attendance Divisor	Units Allowed
41 or more	40	1 or more as computed
31 - 40.99 ADA	-	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
.01 - 7.99 ADA	-	count as elementary primary

COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

<u>Average Daily</u>		<u>Minimum Units</u>
<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
<u>80 or more ADA</u>	<u>20</u>	<u>4.2</u>
<u>55 - 79.99 ADA</u>	<u>19</u>	<u>3.4</u>
<u>35.5 - 54.99 ADA</u>	<u>16</u>	<u>2.4</u>
<u>25.8 - 35.49 ADA</u>	<u>15</u>	<u>2.0</u>
<u>16.8 - 25.79 ADA</u>	<u>13</u>	<u>1.4</u>
<u>8.3 - 16.79 ADA</u>	<u>12</u>	<u>0.7</u>
<u>.01 - 8.29 ADA</u>	<u>n/a</u>	<u>0.5</u>

~~COMPUTATION OF ELEMENTARY SUPPORT UNITS~~

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
300 or more ADA . . . . .	. . . . .	. . 15
	. . 23 grades 4, 5 & 6	
	. . 22 grades 1, 2 & 3 1994-95	
	. . 21 grades 1, 2 & 3 1995-96	
	. . 20 grades 1, 2 & 3 1996-97	
	— and each year thereafter .	
160 to 299.99 ADA	20	8.4
110 to 159.99 ADA	19	6.8
71.1 to 109.99 ADA	16	4.7
51.7 to 71.0 ADA	15	4.0
33.6 to 51.6 ADA	13	2.8
16.6 to 33.5 ADA	12	1.4
1.0 to 16.5 ADA	n/a	1.0

COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
150 or more ADA.....	25.....	6.8
80 - 149.99 ADA...	22.....	3.8
55 - 79.99 ADA...	21.....	3.1
35.5 - 54.99 ADA...	18.....	2.1
25.8 - 35.49 ADA...	17.....	1.7
16.8 - 25.79 ADA...	15.....	1.2
8.3 - 16.79 ADA	14.....	0.6
.01 - 8.29 ADA...	n/a.....	0.5

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
750 or more	18.5 20.9.....	470.8
400 - 749.99 ADA....	168.4	283.7
300 - 399.99 ADA....	14.5 6.9.....	2218.9
200 - 299.99 ADA....	13.5 5.9.....	173.9
100 - 199.99 ADA....	124.4	98
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7-9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 168.4 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
146.5 or more	146.5.....	1 or more as computed
123.7 - 13.9 6.49.....	--.....	1
89.4 - 11.9 3.69.....	--.....	.75
4.6 - 7.9 9.39.....	--.....	.5
.01 - 3.9 4.59.....	--.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units
		Allowed

1 124 or more..... 124..... 1 or more as
 2 computed

3 In applying these tables to any given separate attendance unit, no
 4 school district shall receive less total money than it would receive if it
 5 had a lesser average daily attendance in such separate attendance unit. In
 6 applying the kindergarten table to a kindergarten program of less days than a
 7 full school year, the support unit allowance shall be in ratio to the number
 8 of days of a full school year. No school district reporting any number of
 9 students in average daily attendance for kindergarten through sixth grade
 10 shall receive less than one (1.0) support units for such. The tables for
 11 exceptional education and alternative school secondary support units shall
 12 be applicable only for programs approved by the state department of educa-
 13 tion following rules established by the state board of education. Moneys
 14 generated from computation of support units for alternative schools shall be
 15 utilized for alternative school programs. School district administrative
 16 and facility costs may be included as part of the alternative school expen-
 17 ditures.

18 (5) State Distribution Factor per Support Unit. Divide educational
 19 support program distribution funds, after subtracting the amounts necessary
 20 to pay the obligations specified in subsection (2) of this section, by the
 21 total state support units to secure the state distribution factor per sup-
 22 port unit.

23 (6) District Support Units. The number of support units for each school
 24 district in the state shall be determined as follows:

25 (a) (i) Divide the actual average daily attendance, excluding stu-
 26 dents approved for inclusion in the exceptional child educational
 27 program, for the administrative schools and each of the separate
 28 schools and attendance units by the appropriate divisor from the
 29 tables of support units in this section, then add the quotients
 30 to obtain the district's support units allowance for regular stu-
 31 dents, kindergarten through grade 12 including alternative school
 32 secondary students. Calculations in application of this subsec-
 33 tion shall be carried out to the nearest tenth.

34 (ii) Divide the combined totals of the average daily attendance
 35 of all preschool, kindergarten, primary, elementary, secondary,
 36 juvenile detention center students and students with disabilities
 37 approved for inclusion in the exceptional child program of the
 38 district by the appropriate divisor from the table for computa-
 39 tion of exceptional education support units to obtain the number
 40 of support units allowed for the district's approved exceptional
 41 child program. Calculations for this subsection shall be carried
 42 out to the nearest tenth when more than one (1) unit is allowed.

43 (iii) The total number of support units of the district shall be
 44 the sum of the total support units for regular students, subsec-
 45 tion (6) (a) (i) of this section, and the support units allowance
 46 for the approved exceptional child program, subsection (6) (a) (ii)
 47 of this section.

48 (b) Total District Allowance Educational Program. Multiply the dis-
 49 trict's total number of support units, carried out to the nearest tenth,

1 by the state distribution factor per support unit and to this product
 2 add the approved amount of programs of the district provided in subsec-
 3 tion (2) of this section to secure the district's total allowance for
 4 the educational support program.

5 (c) District Share. The district's share of state apportionment is the
 6 amount of the total district allowance, subsection (6) (b) of this sec-
 7 tion.

8 (d) Adjustment of District Share. The contract salary of every noncer-
 9 tificated teacher shall be subtracted from the district's share as cal-
 10 culated from the provisions of subsection (6) (c) of this section.

11 (7) Property Tax Computation Ratio. In order to receive state funds
 12 pursuant to this section a charter district shall utilize a school mainte-
 13 nance and operation property tax computation ratio for the purpose of cal-
 14 culating its maintenance and operation levy, that is no greater than that
 15 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As
 16 used herein, the term "property tax computation ratio" shall mean a ratio de-
 17 termined by dividing the district's certified property tax maintenance and
 18 operation budget by the actual or adjusted market value for assessment pur-
 19 poses as such values existed on December 31, 1993. Such maintenance and op-
 20 eration levy shall be based on the property tax computation ratio multiplied
 21 by the actual or adjusted market value for assessment purposes as such values
 22 existed on December 31 of the prior calendar year.

23 SECTION 8. That Section 33-1002, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 26 gram is calculated as follows:

27 (1) State Educational Support Funds. Add the state appropriation, in-
 28 cluding the moneys available in the public school income fund, together with
 29 all miscellaneous revenues to determine the total state funds.

30 (2) From the total state funds subtract the following amounts needed
 31 for state support of special programs provided by a school district:

32 (a) Pupil tuition-equivalency allowances as provided in section
 33 33-1002B, Idaho Code;

34 (b) Transportation support program as provided in section 33-1006,
 35 Idaho Code;

36 (c) Feasibility studies allowance as provided in section 33-1007A,
 37 Idaho Code;

38 (d) The approved costs for border district allowance, provided in sec-
 39 tion 33-1403, Idaho Code, as determined by the state superintendent of
 40 public instruction;

41 (e) The approved costs for exceptional child approved contract al-
 42 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 43 determined by the state superintendent of public instruction;

44 (f) Certain expectant and delivered mothers allowance as provided in
 45 section 33-2006, Idaho Code;

46 (g) Salary-based apportionment calculated as provided in sections
 47 33-1004 through 33-1004F, Idaho Code;

48 (h) Unemployment insurance benefit payments according to the provi-
 49 sions of section 72-1349A, Idaho Code;

1 (i) ~~For expenditure as provided by the public school technology program~~
 2 as provided for in section 33-1022, Idaho Code;
 3 (j) For employee severance payments as provided in section 33-521,
 4 Idaho Code;
 5 (k) For distributions to the Idaho digital learning academy as provided
 6 in section 33-1020, Idaho Code;
 7 (l) For dual credit courses as provided in section 33-1626, Idaho Code;
 8 (m) For additional math and science courses for high school students as
 9 provided in section 33-1021, Idaho Code;
 10 (n) For costs associated with the online course requirement as provided
 11 in section 33-1627, Idaho Code;
 12 (o) For certificated employee severance payment reimbursement as pro-
 13 vided in section 33-515B, Idaho Code;
 14 (p) For pay for performance, hard to fill positions and leadership
 15 awards as provided in section 33-1004I, Idaho Code;
 16 (q) For the support of provisions that provide a safe environment con-
 17 ducive to student learning and maintain classroom discipline, an allo-
 18 cation of \$300 per support unit; and
 19 (m~~r~~) Any additional amounts as required by statute to effect adminis-
 20 trative adjustments or as specifically required by the provisions of
 21 any bill of appropriation;
 22 to secure the total educational support distribution funds.

23 (3) Average Daily Attendance. The total state average daily attendance
 24 shall be the sum of the average daily attendance of all of the school dis-
 25 tricts of the state. The state board of education shall establish rules set-
 26 ting forth the procedure to determine average daily attendance and the time
 27 for, and method of, submission of such report. Average daily attendance cal-
 28 culation shall be carried out to the nearest hundredth. Computation of av-
 29 erage daily attendance shall also be governed by the provisions of section
 30 33-1003A, Idaho Code.

31 (4) Support Units. The total state support units shall be determined
 32 by using the tables set out hereafter called computation of kindergarten
 33 support units, computation of primary support units, computation of elemen-
 34 tary support units, computation of secondary support units, computation of
 35 exceptional education support units, and computation of alternative school
 36 secondary support units. The sum of all of the total support units of all
 37 school districts of the state shall be the total state support units.

38 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

39 Average Daily		
40 Attendance	Attendance Divisor	Units Allowed
41 41 or more	40.....	1 or more as computed
42 31 - 40.99 ADA....	-.....	1
43 26 - 30.99 ADA....	-.....	.85
44 Average Daily		
45 Attendance	Attendance Divisor	Units Allowed
46 21 - 25.99 ADA....	-.....	.75

1	16 - 20.99 ADA....	-.....	.6
2	8 - 15.99 ADA....	-.....	.5
3	<u>.01 - 7.99 ADA....</u>	-.....	count as elementary
4			<u>primary</u>

5 COMPUTATION OF PRIMARY SUPPORT UNITS (GRADES 1-3)

6	<u>Average Daily</u>		<u>Minimum Units</u>
7	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
8	<u>80 or more ADA.....</u>	<u>20.....</u>	<u>4.2</u>
9	<u>55 - 79.99 ADA...</u>	<u>19.....</u>	<u>3.4</u>
10	<u>35.5 - 54.99 ADA...</u>	<u>16.....</u>	<u>2.4</u>
11	<u>25.8 - 35.49 ADA...</u>	<u>15.....</u>	<u>2.0</u>
12	<u>16.8 - 25.79 ADA...</u>	<u>13.....</u>	<u>1.4</u>
13	<u>8.3 - 16.79 ADA...</u>	<u>12.....</u>	<u>0.7</u>
14	<u>.01 - 8.29 ADA...</u>	<u>n/a.....</u>	<u>0.5</u>

15 COMPUTATION OF ELEMENTARY SUPPORT UNITS

16	<u>Average Daily</u>		<u>Minimum Units</u>
17	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
18	300 or more ADA.....	.....	.. 15
19		..23...grades 4, 5 & 6....	
20		..22...grades 1, 2 & 3....1994-95	
21		..21...grades 1, 2 & 3....1995-96	
22		..20...grades 1, 2 & 3....1996-97	
23		— and each year thereafter.	
24	160 to 299.99 ADA...	20.....	8.4
25	110 to 159.99 ADA...	19.....	6.8
26	71.1 to 109.99 ADA...	16.....	4.7
27	51.7 to 71.0 ADA...	15.....	4.0
28	33.6 to 51.6 ADA...	13.....	2.8
29	16.6 to 33.5 ADA...	12.....	1.4
30	1.0 to 16.5 ADA...	n/a.....	1.0

31 COMPUTATION OF ELEMENTARY SUPPORT UNITS (GRADES 4-6)

32	<u>Average Daily</u>		<u>Minimum Units</u>
33	<u>Attendance</u>	<u>Attendance Divisor</u>	<u>Allowed</u>
34	<u>150 or more ADA.....</u>	<u>25.....</u>	<u>6.8</u>
35	<u>80 - 149.99 ADA...</u>	<u>22.....</u>	<u>3.8</u>
36	<u>55 - 79.99 ADA...</u>	<u>21.....</u>	<u>3.1</u>

1	<u>35.5 - 54.99 ADA...</u>	<u>18</u>	<u>2.1</u>
2	<u>25.8 - 35.49 ADA...</u>	<u>17</u>	<u>1.7</u>
3	<u>16.8 - 25.79 ADA...</u>	<u>15</u>	<u>1.2</u>
4	<u>8.3 - 16.79 ADA</u>	<u>14</u>	<u>0.6</u>
5	<u>.01 - 8.29 ADA...</u>	<u>n/a</u>	<u>0.5</u>

6 COMPUTATION OF SECONDARY SUPPORT UNITS

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	750 or more	<u>18.521</u>	<u>470.5</u>
10	400 - 749.99 ADA....	<u>168.5</u>	<u>283.5</u>
11	300 - 399.99 ADA....	<u>14.57</u>	<u>2218.7</u>
12	200 - 299.99 ADA....	<u>13.56</u>	<u>173.8</u>
13	100 - 199.99 ADA....	<u>124.5</u>	<u>98</u>
14	99.99 or fewer	Units allowed as follows:	
15	Grades 7-12	.....	8
16	Grades 9-12	.....	6
17	Grades 7-9	.....	1 per 14 ADA
18	Grades 7- 8	.....	1 per <u>168.5</u> ADA

19 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

20	Average Daily		Minimum Units
21	Attendance	Attendance Divisor	Allowed
22	<u>146.5</u> or more	<u>146.5</u>	1 or more as computed
23			
24	<u>123.7 - 13.996.49</u>	-	1
25	<u>89.4 - 11.993.69</u>....	- .....	.75
26	<u>4.6 - 7.999.39</u>....	- .....	.5
27	<u>.01 - 3.94.59</u>....	- .....	.25

28 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

29	Pupils in Attendance	Attendance Divisor	Minimum Units
30			Allowed
31	<u>124</u> or more.....	<u>124</u>	1 or more as computed
32			

33 In applying these tables to any given separate attendance unit, no
 34 school district shall receive less total money than it would receive if it
 35 had a lesser average daily attendance in such separate attendance unit. In
 36 applying the kindergarten table to a kindergarten program of less days than a
 37 full school year, the support unit allowance shall be in ratio to the number

of days of a full school year. No school district reporting any number of students in average daily attendance for kindergarten through sixth grade shall receive less than one (1.0) support units for such. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, primary, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 9. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1002A, Idaho Code, and to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) For students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) An online course in which the school district or public charter school has a contract in place for the same course with one (1) or more private providers, in which the highest such contracted course cost is less than the amount that would be paid by the school district or public charter school pursuant to subsection (2) of this section. In such instances, the school district or public charter school shall pay the private provider an amount equal to the highest contracted course cost for such class. For the purposes of this subsection, the term "private provider" shall be any provider of online course content and instruction except a public school district, a public charter school, a public institution of postsecondary education, or the Idaho digital learning academy.

(c) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in

1 which the student is enrolled beyond the limitation of this paragraph,
 2 unless such cost has been paid by the student's school district or pub-
 3 lic charter school.

4 (2) For online courses subject to fractional counting and division, the
 5 average daily attendance shall be counted and funded as part of the student's
 6 home school district or public charter school attendance. However, the
 7 state department of education shall identify the fraction attributable to
 8 such attendance for each student and furnish the home school district or pub-
 9 lic charter school with a dollar amount of funding attributable to each such
 10 fraction. The home school district or public charter school shall then remit
 11 two-thirds (2/3) of such amount to each online course content provider.

12 (3) For the purposes of this section, the term "online course" means
 13 a course which delivers a sequential program of synchronous and/or asyn-
 14 chronous instruction primarily through the use of technology, in which the
 15 instructor is not physically located at the school or place in which the stu-
 16 dent is receiving instruction.

17 SECTION 10. That Section 33-1002C, Idaho Code, be, and the same is
 18 hereby amended to read as follows:

19 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-
 20 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary
 21 summer school programs of not less than two hundred twenty-five (225) hours
 22 of instruction, which shall be included in the educational support units
 23 calculated as provided in section 33-1002, Idaho Code, may be established
 24 as approved by the state board of education. The average daily attendance
 25 divided by forty-two and one-half (42.5) shall determine the number of
 26 allowable support units which shall be included in the alternative school
 27 secondary support units calculated for the school district for the succeed-
 28 ing school term.

29 (2) Districts which educate pupils placed by court order in a juvenile
 30 detention facility may establish a summer school program which shall be in-
 31 cluded in the educational support units calculated as provided in section
 32 33-1002, Idaho Code. The average daily attendance divided by forty-two and
 33 one-half (42.5) shall determine the number of allowable support units which
 34 shall be included in the exceptional education school support units calcu-
 35 lated for the school district for the succeeding school term.

36 (3) Average daily attendance and the support units so generated by this
 37 section shall not be included in or subject to the provisions of section
 38 33-1003, Idaho Code, and shall be included as an addition to any other sup-
 39 port units generated pursuant to Idaho Code.

40 SECTION 11. That Section 33-1002C, Idaho Code, be, and the same is
 41 hereby amended to read as follows:

42 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-
 43 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary
 44 summer school programs of not less than two hundred twenty-five (225) hours
 45 of instruction, which shall be included in the educational support units
 46 calculated as provided in section 33-1002, Idaho Code, may be established
 47 as approved by the state board of education. The average daily attendance

1 divided by forty-five (405) shall determine the number of allowable support
 2 units which shall be included in the alternative school secondary support
 3 units calculated for the school district for the succeeding school term.

4 (2) Districts which educate pupils placed by court order in a juvenile
 5 detention facility may establish a summer school program which shall be in-
 6 cluded in the educational support units calculated as provided in section
 7 33-1002, Idaho Code. The average daily attendance divided by forty-five
 8 (405) shall determine the number of allowable support units which shall be
 9 included in the exceptional education school support units calculated for
 10 the school district for the succeeding school term.

11 (3) Average daily attendance and the support units so generated by this
 12 section shall not be included in or subject to the provisions of section
 13 33-1003, Idaho Code, and shall be included as an addition to any other sup-
 14 port units generated pursuant to Idaho Code.

15 SECTION 12. That Section 33-1002C, Idaho Code, be, and the same is
 16 hereby amended to read as follows:

17 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-
 18 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary
 19 summer school programs of not less than two hundred twenty-five (225) hours
 20 of instruction, which shall be included in the educational support units
 21 calculated as provided in section 33-1002, Idaho Code, may be established
 22 as approved by the state board of education. The average daily attendance
 23 divided by forty-seven and one-half (407.5) shall determine the number of
 24 allowable support units which shall be included in the alternative school
 25 secondary support units calculated for the school district for the succeed-
 26 ing school term.

27 (2) Districts which educate pupils placed by court order in a juvenile
 28 detention facility may establish a summer school program which shall be in-
 29 cluded in the educational support units calculated as provided in section
 30 33-1002, Idaho Code. The average daily attendance divided by forty-seven
 31 and one-half (407.5) shall determine the number of allowable support units
 32 which shall be included in the exceptional education school support units
 33 calculated for the school district for the succeeding school term.

34 (3) Average daily attendance and the support units so generated by this
 35 section shall not be included in or subject to the provisions of section
 36 33-1003, Idaho Code, and shall be included as an addition to any other sup-
 37 port units generated pursuant to Idaho Code.

38 SECTION 13. That Section 33-1002C, Idaho Code, be, and the same is
 39 hereby amended to read as follows:

40 33-1002C. SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SEC-
 41 ONDARY SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative secondary
 42 summer school programs of not less than two hundred twenty-five (225) hours
 43 of instruction, which shall be included in the educational support units
 44 calculated as provided in section 33-1002, Idaho Code, may be established
 45 as approved by the state board of education. The average daily attendance
 46 divided by ~~forty~~ fifty (450) shall determine the number of allowable support

1 units which shall be included in the alternative school secondary support
2 units calculated for the school district for the succeeding school term.

3 (2) Districts which educate pupils placed by court order in a juvenile
4 detention facility may establish a summer school program which shall be in-
5 cluded in the educational support units calculated as provided in section
6 33-1002, Idaho Code. The average daily attendance divided by ~~forty~~ fifty
7 (450) shall determine the number of allowable support units which shall be
8 included in the exceptional education school support units calculated for
9 the school district for the succeeding school term.

10 (3) Average daily attendance and the support units so generated by this
11 section shall not be included in or subject to the provisions of section
12 33-1003, Idaho Code, and shall be included as an addition to any other sup-
13 port units generated pursuant to Idaho Code.

14 SECTION 14. That Section 33-1004, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
17 shall be determined as follows:

18 (1) Using the daily attendance reports that have been submitted for
19 computing the February 15 apportionment of state funds as provided in sec-
20 tion 33-1009, Idaho Code, determine the total support units for the district
21 in the manner provided in section 33-1002(6)(a), Idaho Code;

22 (2) Determine the instructional staff allowance by multiplying the
23 support units by 1.1. A district must demonstrate that it actually employs
24 the number of certificated instructional staff allowed, except as provided
25 in subsection (5)(f) and (g) of this section. If the district does not employ
26 the number allowed, the staff allowance shall be reduced to the actual number
27 employed, except as provided in subsection (5)(f) and (g) of this section;

28 (3) Determine the administrative staff allowance by multiplying the
29 support units by .075;

30 (4) Determine the classified staff allowance by multiplying the sup-
31 port units by .375;

32 (5) Additional conditions governing staff allowance:

33 (a) In determining the number of staff in subsections (2), (3) and (4)
34 of this section, a district may contract separately for services to be
35 rendered by nondistrict employees and such employees may be counted
36 in the staff allowance. A "nondistrict employee" means a person for
37 whom the school district does not pay the employer's obligations for
38 employee benefits. When a district contracts for the services of a
39 nondistrict employee, only the salary portion of the contract shall be
40 allowable for computations.

41 (b) If there are circumstances preventing eligible use of staff al-
42 lowance to which a district is entitled as provided in subsections (2)
43 and (3) of this section, an appeal may be filed with the state depart-
44 ment of education outlining the reasons and proposed alternative use of
45 these funds, and a waiver may be granted.

46 (c) For any district with less than forty (40) support units:

47 (i) The instructional staff allowance shall be calculated
48 applying the actual number of support units. If the actual in-
49 structional staff employed in the school year is greater than the

instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and (ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to ~~five~~ fifteen percent (15%) of the monies associated with positions funded pursuant to subsection (2) of this section to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 15. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA						
	Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR
1	0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
2	1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
3	2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
4	3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
5	4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
6	5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
7	6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
8	7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
9	8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
10	9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
11	10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
12	11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
13	12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
14	13 or							
15	more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus ~~two~~ one (21); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. For the time period July 1, 2010~~1~~, through June 30, 201~~1~~2, instructional and administrative staff shall not advance on the education portion of the multiplier table.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by

this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 16. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA	MA + 12	MA + 24	MA + 36			
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus ~~two~~ one (21); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. ~~For the time period July 1, 2010, through~~

~~June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.~~

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 17. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA						
		MA + 12		MA + 24		MA + 36		
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
		MA						
		MA + 12		MA + 24		MA + 36		
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or

1 parochial school, or beginning in the 2005-06 school year and thereafter in
 2 an accredited college or university shall be credited, ~~minus two (2); pro-~~
 3 ~~vided however, that the experience factor cannot be less than zero (0).~~

4 In determining the education factor, only credits earned after initial
 5 certification, based upon a transcript on file with the teacher certifica-
 6 tion office of the state department of education, earned at an institution of
 7 higher education accredited by the state board of education or a regional ac-
 8 crediting association, shall be allowed. Provided however, that successful
 9 completion of a state-approved mathematical thinking for instruction course
 10 shall be counted as transcribed credit. Instructional staff whose initial
 11 certificate is an occupational specialist certificate shall be treated as
 12 BA degree prepared instructional staff. Credits earned by such occupational
 13 specialist instructional staff after initial certification shall be cred-
 14 ited toward the education factor. ~~For the time period July 1, 2010, through~~
 15 ~~June 30, 2011, instructional and administrative staff shall not advance on~~
 16 ~~the education portion of the multiplier table.~~

17 In determining the statewide average multiplier for instructional
 18 staff, no multiplier in excess of 1.59092 shall be used. If the actual
 19 statewide average multiplier for instructional staff, as determined by this
 20 section, exceeds 1.59092, then each school district's instructional staff
 21 multiplier shall be multiplied by the result of 1.59092 divided by the actual
 22 statewide average multiplier for instructional staff.

23 In determining the statewide average multiplier for administrative
 24 staff, no multiplier in excess of 1.86643 shall be used. If the actual
 25 statewide average multiplier for administrative staff, as determined by
 26 this section, exceeds 1.86643, then each school district's administrative
 27 staff multiplier shall be multiplied by the result of 1.86643 divided by the
 28 actual statewide average multiplier for administrative staff.

29 SECTION 18. That Section 33-1004E, Idaho Code, be, and the same is
 30 hereby amended to read as follows:

31 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
 32 be entitled to a salary-based apportionment calculated as provided in this
 33 section.

34 1. To determine the apportionment for instructional staff, first de-
 35 termine the district average experience and education index by placing all
 36 eligible district certificated instructional employees on the statewide
 37 index provided in section 33-1004A, Idaho Code. The resulting average is the
 38 district index. ~~Districts with an index above the state average index shall~~
 39 ~~receive their actual index but not more than the state average plus .03 for~~
 40 ~~the 1994-95 school year, and shall receive their actual index but not more~~
 41 ~~than the state average plus .06 for the 1995-96 school year, and thereafter~~
 42 ~~shall receive their actual district index.~~ The district instructional staff
 43 index shall be multiplied by the instructional base salary of \$23,565. The
 44 amount so determined shall be multiplied by the district staff allowance
 45 for instructional staff determined as provided in section 33-1004(2), Idaho
 46 Code. The instructional salary allocation shall be further increased by the
 47 amount necessary for each full-time equivalent instructional staff member
 48 placed on the experience and education index to be allocated at least the
 49 minimum salary mandated by this section. Full-time instructional staff

1 salaries shall be determined from a salary schedule developed by each dis-
 2 trict and submitted to the state department of education. No full-time
 3 instructional staff member shall be paid less than \$29,65530,000. ~~If an~~
 4 ~~instructional staff member has been certified by the national board for~~
 5 ~~professional teaching standards, the staff member shall be designated as~~
 6 ~~a master teacher and receive \$2,000 per year for five (5) years. The in-~~
 7 ~~structional salary shall be increased by \$2,000 for each master teacher~~
 8 ~~provided however, that no such awards shall be paid for the period July 1,~~
 9 ~~2010, through June 30, 2011, nor shall any liabilities accrue or payments~~
 10 ~~be made pursuant to this section in the future to any individuals who would~~
 11 ~~have otherwise qualified for a payment during this stated time period. The~~
 12 ~~resulting amount is the district's salary-based apportionment for instruc-~~
 13 ~~tional staff. For purposes of this section, teachers qualifying for the~~
 14 ~~salary increase as master teacher shall be those who have been recognized as~~
 15 ~~national board certified teachers as of July 1 of each year.~~

16 2. To determine the apportionment for district administrative staff,
 17 first determine the district average experience and education index by plac-
 18 ing all eligible certificated administrative employees on the statewide
 19 index provided in section 33-1004A, Idaho Code. The resulting average is
 20 the district index. ~~Districts with an index above the state average index~~
 21 ~~shall receive their actual index but not more than the state average plus .03~~
 22 ~~for the school year 1994-95, and shall receive their actual index but not~~
 23 ~~more than the state average index plus .06 for the 1995-96 school year, and~~
 24 ~~thereafter shall receive their actual district index.~~ The district adminis-
 25 trative staff index shall be multiplied by the base salary of \$32,441. The
 26 amount so determined shall be multiplied by the district staff allowance for
 27 administrative staff determined as provided in section 33-1004(3), Idaho
 28 Code. The resulting amount is the district's salary-based apportionment for
 29 administrative staff.

30 3. To determine the apportionment for classified staff, multiply
 31 \$19,041 by the district classified staff allowance determined as provided in
 32 section 33-1004(4), Idaho Code. The amount so determined is the district's
 33 apportionment for classified staff.

34 4. The district's salary-based apportionment shall be the sum of the
 35 apportionments calculated in subsections 1., 2. and 3., of this section,
 36 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

37 SECTION 19. That Section 33-1004F, Idaho Code, be, and the same is
 38 hereby amended to read as follows:

39 33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. ~~1.~~
 40 Based upon the actual salary-based apportionment, as determined in section
 41 33-1004E, Idaho Code, plus distributions made pursuant to section 33-1004I,
 42 Idaho Code, there shall be allocated that amount required to meet the em-
 43 ployer's obligations to the public employee retirement system and to social
 44 security.

45 ~~2. If a district's qualifying salaries total more than the district's~~
 46 ~~salary-based apportionment, there shall be allocated an additional amount~~
 47 ~~to meet the employer's obligation to the public employee retirement system~~
 48 ~~and to social security equal to two-thirds (2/3) of the additional obliga-~~
 49 ~~tion for the school year 1994-95. If a district's qualifying salaries total~~

~~more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to one-third (1/3) of the additional obligation for the school year 1995-96. Thereafter, the benefit allocation shall be based solely upon the provisions of subsection 1. of this section.~~

SECTION 20. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004I, Idaho Code, and to read as follows:

33-1004I. PAY FOR PERFORMANCE -- HARD TO FILL POSITIONS -- LEADERSHIP AWARDS. (1) In addition to the moneys provided pursuant to the calculations for salary-based apportionment, the following amounts shall be distributed and paid, from the moneys appropriated to the educational support program, subject to the criteria contained in this section:

(a) For fiscal year 2013, an amount equal to five hundred seven (507) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsection (2) of this section.

(b) For fiscal year 2014, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, in the following proportions:

(i) Seventy-four and one-tenth percent (74.1%) pursuant to subsection (2) of this section;

(ii) Seven and four-tenths percent (7.4%) pursuant to subsection (3) of this section;

(iii) Eighteen and one-half percent (18.5%) pursuant to subsection (4) of this section.

(c) For fiscal year 2015 and each fiscal year thereafter, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, plus fifty percent (50%) of any moneys appropriated for increased pay for certificated staff beyond the amount needed to fund the base and minimum instructional salaries, pursuant to section 33-1004E, Idaho Code, that were in effect during fiscal year 2009. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(d) The provision in subsection (1) (c) of this section that directs that fifty percent (50%) of certain moneys be distributed pursuant to subsections (2), (3) and (4) of this section shall be effective until such time as fifteen percent (15%) of the total moneys appropriated for certificated staff salaries are being distributed pursuant to this section. After this allocation is attained, fifteen percent (15%) of the total moneys appropriated for certificated staff salaries shall be distributed pursuant to subsections (2), (3) and (4) of this section. Such distributions made pursuant to subsections (2), (3) and (4) of this

section shall be made according to the allocations established in subsection (1) (b) of this section.

(e) For the purposes of this subsection, the term "statewide support units" shall mean the total number of support units calculated for the purposes of distributing salary-based apportionment in the current fiscal year.

(f) In the event of a reduction in the moneys appropriated for certificated staff salaries, the calculations established pursuant to subsections (1) (b) through (d) of this section shall be performed in reverse.

(2) Share-based pay for performance bonuses for student achievement growth and excellence.

(a) Certificated employees shall be awarded state shares based on the performance of whole schools.

(i) Growth -- Utilizing a state longitudinal data system for students, the state department of education shall develop a system for measuring individual student growth. Such system shall compare spring student scores on the state-mandated summative achievement tests ("spring test") from one year to the next, and establish percentile rankings for individual student growth by comparing students with an identical spring test score in the previous year with each other in the current year. A separate growth percentile shall be established for each student for each subject in which the spring test is given in consecutive grades. The median student growth percentile, based on measuring all eligible students, shall be the growth score for each school. All certificated employees at a school with a median growth score in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	1.00 shares	2.00 shares
2nd Highest Quartile	0.50 shares	1.00 shares
3rd Highest Quartile	0.25 shares	0.50 shares
4th Highest Quartile	0.00 shares	0.00 shares

(ii) Excellence -- The state department of education shall develop a system for comparing and ranking school spring test scores based on standardized scores, utilizing all grades and subjects tested. Based on each school's median standardized score, all certificated employees of a school in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	0.50 shares	1.00 shares
2nd Highest Quartile	0.25 shares	0.50 shares
3rd Highest Quartile	0.00 shares	0.00 shares
4th Highest Quartile	0.00 shares	0.00 shares

(iii) No certificated instructional employee shall receive more than one (1.00) share, the results of the quartile award tables

for growth and excellence notwithstanding. No certificated administrative employee shall receive more than two (2.00) shares, the results of the quartile award tables for growth and excellence notwithstanding.

(iv) Students whose spring test results are excluded from the school's results for federal accountability purposes shall be excluded from school growth and excellence calculations.

(v) For schools that do not administer the spring test, or for which no spring test growth calculation is possible, the school and its certificated employees shall be included with the school to which the students matriculate.

(vi) For certificated employees assigned more than one (1) school, state shares shall be earned pro rata, based on the percentage of the employee's time assigned to each school at the time that students take their spring tests. In addition, for part-time employees, state shares shall be earned pro rata, based on such employee's full-time equivalency status.

(vii) The number of schools in each quartile shall be based on the number of certificated employees employed at the schools, with as close to twenty-five percent (25%) of such employees falling within each quartile as possible.

(viii) For certificated employees not assigned to a specific school, all new employment contracts signed on or after July 1, 2011, shall provide that at least five percent (5%) of the total available compensation be based on growth in student achievement, as determined by the board of trustees. Such percentage shall increase to ten percent (10%) of the total available compensation for contracts signed on or after July 1, 2015, and fifteen percent (15%) for contracts signed on or after July 1, 2019.

(b) Local shares shall be awarded to certificated employees based on performance. Each board of trustees shall develop a plan for awarding local pay for performance shares in consultation with certificated employees. Local share awards to certificated instructional employees shall be based on the performance of groups of such employees, unless there is only one (1) such employee in the school district. No employee shall receive more than one (1.00) local share. For part-time employees, local shares shall be earned pro rata, based on such employee's full-time equivalency status. Local share awards shall be based on one (1) or more of the following measures:

- (i) Student test scores;
- (ii) Student graduation rate;
- (iii) Student dropout rate;
- (iv) Percent of graduates attending postsecondary education or entering military service;
- (v) Making federally approved adequate yearly progress;
- (vi) Number of students successfully completing dual credit or advanced placement classes;
- (vii) Percent of students involved in extracurricular activities;
- (viii) Class projects;

- (ix) Portfolios;
- (x) Successful completion of special student assignments;
- (xi) Parental involvement;
- (xii) Teacher-assigned grades; and
- (xiii) Student attendance rate.

For any school district in which the board of trustees fails to adopt a plan for awarding local pay for performance shares by September 1, local shares awarded for performance in that school year shall be identical to the number of state shares awarded for each certificated employee.

(c) Individual pay for performance bonuses shall be calculated as follows:

(i) Divide the moneys available for pay for performance bonuses by the total number of state shares earned by certificated employees statewide.

(ii) To determine the amount of pay for performance bonus funds to distribute to each school district, multiply the result of subparagraph (i) of this subsection by the number of state shares earned by certificated employees in the school district.

(iii) To establish the value of a share in each school district, the school district shall divide the funds distributed by the state department of education pursuant to subparagraph (ii) of this subsection by the total number of state and local shares earned by all certificated employees who earned at least a fraction of both a state and local share.

(iv) Multiply the total number of state and local shares earned by each certificated employee of the school district who earned at least a fraction of a state and local share by the result of subparagraph (iii) of this subsection. Certificated employees who do not earn at least a fraction of both a state and local share shall not be eligible to receive a pay for performance bonus. Pay for performance bonuses shall be paid by school districts to qualifying certificated employees in a lump sum by no later than December 15 following the spring test of the prior school year.

(3) Hard to fill position bonuses.

(a) The state board of education shall designate certificates and endorsements held by certificated instructional staff for hard to fill position bonuses. The board shall rank the certificates or endorsements to be so designated based on the relative difficulty of school districts' ability to recruit and retain such personnel. No additional certificates or endorsements may be added to the rankings beyond the first such certificate or endorsement that causes the number of certificates or endorsements to equal or exceed one-third (1/3) of the total certificates and endorsements held by certificated instructional public school employees in the state. The board shall review and alter such rankings and designations at least once every two (2) years based on market conditions. Any changes in rankings and designations shall be made by the board by no later than March 31 of the previous school year, and school districts shall be promptly notified of any changes.

(b) School district boards of trustees may choose to designate certificates and endorsements held by certificated instructional employees

1 for hard to fill position bonuses, provided such certificates and en-
2 dorsements have been so designated by the state board of education
3 as provided in subsection (3)(a) of this section. School boards of
4 trustees choosing to make such designations shall rank the certificates
5 and endorsements based on the relative difficulty of recruiting and re-
6 taining such personnel. No additional certificates or endorsements may
7 be added to the rankings beyond the first such certificate or endorse-
8 ment that causes the number of the district's full-time equivalent em-
9 ployees utilizing such certificates and endorsements to equal or exceed
10 ten percent (10%) of the certificated instructional positions employed
11 by the district; provided however, the number of such employees who may
12 be designated shall not be less than one (1). The amount distributed
13 for utilization by each district shall be based on each district's share
14 of the total certificated instructional employees statewide. Funds so
15 distributed shall be paid solely to certificated instructional person-
16 nel holding the certifications and endorsements designated by the local
17 school board, in amounts that shall be determined at the discretion of
18 the local board, which may vary between, but not within, individual cer-
19 tificate and endorsement areas; provided however, no award shall exceed
20 twice the statewide average bonus paid per certificated instructional
21 employee pursuant to subsection (2) of this section.

22 (c) School districts may apply to the state board of education to waive
23 the requirement that a certificate or endorsement designated by the
24 school district for hard to fill position bonuses first be designated
25 for such by the state board of education. The state board of education
26 may grant such a waiver for good and rational cause.

27 (d) In order to receive a hard to fill position bonus, an individual
28 must actually be providing instruction or service within the designated
29 certificate or endorsement area.

30 (e) If an individual qualifies for a hard to fill position bonus in more
31 than one (1) certificate or endorsement, the individual shall be allo-
32 cated and paid on a full-time equivalency basis, based on the relative
33 time spent in each of the qualifying areas.

34 (f) School district boards of trustees choosing to utilize hard to fill
35 position bonus funds shall designate a new list of certificates and en-
36 dorsements for such bonuses for each school year by no later than June 11
37 of the previous school year. The new list may be identical to the list
38 from the previous school year, subject to the current ten percent (10%)
39 limitation requirements.

40 (g) If the board of trustees determines that it will be unable to at-
41 tract a qualified candidate to serve in a hard to fill position, even
42 with the addition of such bonus funds, the board may use such funds
43 to pay for the training and coursework needed by a currently unquali-
44 fied employee or other individual to gain such qualification. If such
45 payment is authorized, the amount paid for an individual in a fiscal
46 year shall not exceed twice the statewide average bonus paid per cer-
47 tificated instructional employee pursuant to subsection (2) of this
48 section. The individual for whom training and coursework is paid in
49 such manner must earn a passing grade for the training and coursework
50 that is paid by the school district and must work for the school district

at least one (1) year in the designated certificate or endorsement area for each fiscal year in which the school district made payments for training and coursework, or repay the funds.

(h) Hard to fill position bonuses shall be paid by school districts to qualifying certificated instructional employees by no later than December 15, in a lump sum payment.

(4) Leadership awards.

(a) School district boards of trustees may designate up to twenty-five percent (25%) of their certificated instructional employees for leadership awards. Such awards shall recognize excellence, be valid only for the fiscal year for which the awards are made and require one (1) or more of the following additional duties:

- (i) Teacher or other instructional staff mentoring;
- (ii) Content leadership;
- (iii) Lead teacher;
- (iv) Peer teaching coach;
- (v) Content specialist;
- (vi) Remedial instructor;
- (vii) Curriculum development;
- (viii) Assessment development;
- (ix) Data analysis;
- (x) Grant writing;
- (xi) Special program coordinator;
- (xii) Research project;
- (xiii) Teaching professional development course;
- (xiv) Service on local/state/national education committee or task force;
- (xv) Providing leadership to a professional learning community;
- and
- (xvi) Earning national board certification.

Duties related to student activities and athletics shall not be eligible for leadership awards.

(b) Local school district boards of trustees shall require that the employee work additional time as a condition of the receipt of a leadership award.

(c) Local school district boards of trustees may grant multiple leadership awards with multiple additional duties. No employee, however, shall receive leadership awards in excess of twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section.

(d) Leadership awards shall be paid by school districts to qualifying certificated instructional employees in a lump sum payment upon completion of the additional duty.

(e) Employees with fewer than three (3) years of experience shall not be eligible for leadership awards. The term "experience" shall be as used for certificated instructional staff in section 33-1004A, Idaho Code.

(f) Notwithstanding the provisions of subsection (4) (a) through (e) of this section, employees who earned national board certification prior to July 1, 2011, and who are no longer receiving payments for earning such certification pursuant to section 33-1004E, Idaho Code, due to the

1 repeal of the provision providing for such payments, shall be paid two
 2 thousand dollars (\$2,000) per year from the moneys allocated pursuant
 3 to this subsection (4) until all moneys that would have been paid un-
 4 der the previous provisions of section 33-1004E, Idaho Code, have been
 5 paid.

6 (5) School districts may shift moneys between the allocations for
 7 subsections (3) and (4) of this section. The ten percent (10%) limitation
 8 established in subsection (3) of this section and the twenty-five percent
 9 (25%) limitation established in subsection (4) of this section shall be ad-
 10 justed accordingly.

11 (6) All distributions of moneys to school districts shall be made as
 12 part of the third payment to school districts required by section 33-1009,
 13 Idaho Code.

14 (7) School districts shall not enter into any contract that discrimi-
 15 nates against those receiving a bonus award pursuant to this section.

16 (8) The state department of education may require reports of informa-
 17 tion as needed to implement the provisions of this section and provide re-
 18 ports to the governor, the legislature and the public.

19 (9) For the purposes of this section, the term "school district" also
 20 means "public charter school," and the term "board of trustees" also means
 21 "board of directors."

22 SECTION 21. That Section 33-1020, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appro-
 25 priated for the educational support program, an amount shall be distributed
 26 to support the Idaho digital learning academy, created pursuant to chapter
 27 55, title 33, Idaho Code. For the purposes of this section, an "enrollment"
 28 shall be counted each time an Idaho school age child enrolls in an Idaho dig-
 29 ital learning academy class. A single child enrolled in multiple classes
 30 shall count as multiple enrollments. Summer enrollments shall be included
 31 in the fiscal year that begins that summer. The amount distributed shall be
 32 calculated as follows:

33 (1) A fixed base amount shall be distributed, equal to the current fis-
 34 cal year's statewide average salary-based apportionment funding per midterm
 35 support unit, multiplied by seven (7).

36 (2) A variable base amount shall be distributed each time the number
 37 of enrollments meets or exceeds an increment of five thousand (5,000). The
 38 amount so distributed shall be equal to the number of such increments, mul-
 39 tiplied by the current fiscal year's statewide average salary-based appor-
 40 tionment funding per midterm support unit, multiplied by four and thirty-
 41 three hundredths (4.33).

42 ~~(3) A variable amount shall be distributed, equal to the number of en-~~
 43 ~~rollments multiplied by the current fiscal year's statewide average salary-~~
 44 ~~based apportionment funding per midterm support unit, divided by one hundred~~
 45 ~~forty-three (143).~~

46 The state department of education shall make an estimated distribu-
 47 tion of funds to the Idaho digital learning academy by no later than July
 48 31 of each fiscal year, consisting of eighty percent (80%) of the estimated
 49 funding for the fiscal year. The balance of all remaining funds to be dis-

tributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 22. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1021, Idaho Code, and to read as follows:

33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state graduation requirements regarding math and science courses, moneys shall be distributed to school districts to defray the cost of providing additional math and science courses. Moneys so distributed shall be used to hire additional high school math and science teachers or to defray costs associated with providing math and science courses to high school students. Moneys shall be distributed to school districts from the moneys appropriated to the educational support program for each regular high school, not including alternative schools, based on the following criteria:

(1) For each school with enrollment of 99 or less, distribute the equivalent of one ninth (1/9) of a classified staff position.

(2) For each school with enrollment of 100 to 159, distribute the equivalent of one and one-quarter (1.25) of a classified staff position.

(3) For each school with enrollment of 160 to 319, distribute the equivalent of two sevenths (2/7) of a classified staff position.

(4) For each school with enrollment of 320 to 639, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position.

(5) For each school with enrollment of 640 or more, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position, and three-quarters (0.75) of a classified staff position.

For the purposes of these school size classifications for regular high schools that serve only grades 10-12, ninth grade students who will attend the regular high school upon matriculating to tenth grade shall be included as enrolled in the regular high school.

SECTION 23. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1022, Idaho Code, and to read as follows:

33-1022. PUBLIC SCHOOL TECHNOLOGY. (1) Moneys shall be expended or distributed from the educational support program for public school technology as follows:

(a) For fiscal year 2012, an amount equal to three hundred twenty (320) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(b) For fiscal year 2013, an amount equal to three hundred seven (307) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(c) For fiscal year 2014, an amount equal to one hundred seventy-two (172) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(d) For fiscal year 2015, an amount equal to one hundred seventy-two (172) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(e) For fiscal year 2016 and each fiscal year thereafter, an amount equal to one hundred forty (140) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds.

(2) For the purposes of subsection (1) of this section, the support unit figure used shall be statewide support units used to calculate the distribution of salary-based apportionment funds in the current fiscal year.

(3) Moneys expended or distributed pursuant to this section shall be utilized for one (1) or more of the following:

(a) Installation, repair, replacement and support of wireless technology in each public school serving grades 9-12, of sufficient capacity to support utilization of mobile computing devices by all students in such grades.

(b) High quality digital learning resources and software linked to state and local curricula, including model lesson plans, content and formative and summative assessments tied to rigorous college and career-ready standards.

(c) Classroom technology that assists teachers in the effective and efficient delivery of instruction.

(d) Safe and secure online knowledge sharing and collaboration systems.

(e) Professional development and training that promotes the effective use of technology by students, staff and parents, and the integration of technology into public school curricula and instructional methods.

(f) The development of plans at the school, district and statewide level for the improved use and integration of technology in learning. As part of this subsection, the superintendent of public instruction shall convene a task force to study and develop plans for the implementation of online course requirements and the provision and support of one-to-one mobile computing devices for students, including an examination of the experience of other states and school districts, beginning in the 2012-2013 school year. The superintendent shall report the findings, plans and recommendations of this task force, including any recommendations for changes to statute or rule, to the senate and house of representatives education committees by no later than January 31, 2012.

(4) The state superintendent of public instruction shall include information on the uses, planned uses and impact of moneys distributed pursuant to this section as part of the annual report required by section 33-4805, Idaho Code.

SECTION 24. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1626, Idaho Code, and to read as follows:

33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all high school graduation requirements by no later than the start of the twelfth grade shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily atten-

1 dance shall be counted as normal for such twelfth grade students for public
 2 school funding purposes. In addition, the state department of education
 3 shall distribute funds from the moneys appropriated for the educational
 4 support program to defray the per credit cost charged for such dual credit
 5 courses by accredited postsecondary institutions. The amount so dis-
 6 tributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

7 SECTION 25. That Chapter 16, Title 33, Idaho Code, be, and the same is
 8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 9 ignated as Section 33-1627, Idaho Code, and to read as follows:

10 33-1627. ONLINE COURSES -- MOBILE COMPUTING DEVICES AND TEACHER
 11 TRAINING. (1) The legislature finds that in order to better provide students
 12 with the skills that they will need to be successful as students, employees,
 13 entrepreneurs and parents in the future, more exposure is needed to online
 14 learning and informational environments.

15 (2) Beginning with the ninth grade class of the 2012-2013 school year,
 16 students shall be required to successfully complete at least six (6) credits
 17 of online courses in order to graduate. The school district may designate
 18 the required courses that students must successfully complete each school
 19 year, but may not prescribe the provider of such courses. The state board of
 20 education may provide for appropriate exemptions from this requirement, by
 21 rule.

22 (3) Beginning with the 2012-2013 school year, parents and guardians of
 23 secondary students shall have the right to enroll such students in any online
 24 course, with or without the permission of the school district or public char-
 25 ter school in which the student is enrolled, provided the following criteria
 26 are met:

27 (a) The course is offered by a provider accredited by the organization
 28 that accredits Idaho high schools, or an organization whose accredi-
 29 tation of providers is recognized by the organization that accredits
 30 Idaho high schools;

31 (b) The state department of education has verified that the teacher is
 32 certificated by the state of Idaho and is qualified to teach the course;

33 (c) The state department of education, a school district, a public
 34 charter school or the Idaho digital learning academy has verified that
 35 the course meets state content standards;

36 (d) The school district or public charter school in which the student is
 37 enrolled has been provided with notification of the student's enroll-
 38 ment in the online course no later than thirty (30) days prior to the end
 39 of the previous term, or no later than the end of the school year, in the
 40 case of a term ending at the end of the school year.

41 (4) A student's transcript at the school district or public charter
 42 school at which the student is enrolled shall include the credits earned and
 43 grades received by each student for any online courses taken pursuant to this
 44 section.

45 (5) In order to assist in providing students with access to online
 46 courses, the state department of education shall contract for the provision
 47 of mobile computing devices for each student upon entering the ninth grade,
 48 beginning with the ninth grade class of the 2012-2013 school year. The de-
 49 partment shall use the same laws, rules and policies in issuing and awarding

1 such contract as would an executive branch agency in which an appointed
 2 director reports directly to the governor. Such devices shall include tech-
 3 nology that provides for compliance with the provisions of section 33-132,
 4 Idaho Code. Such contract shall also provide for the maintenance, repair
 5 and technical support of such devices. The cost of such contract shall be
 6 paid from the moneys appropriated for the educational support program. Each
 7 school district or public charter school shall develop a policy on student
 8 use of the mobile computing devices outside of the school day. Such policy
 9 shall be in compliance with the provisions of section 33-132, Idaho Code.
 10 The state department of education shall develop a policy addressing the is-
 11 sue of damage, loss, repair and replacement of the mobile computing devices.

12 (6) The state department of education shall expend or distribute an
 13 amount equal to ten and five-eighths ($10 \frac{5}{8}$) multiplied by the per statewide
 14 support unit value of salary-based apportionment and discretionary funds
 15 for fiscal year 2013 through fiscal year 2016, from the amount appropriated
 16 to the educational support program, to train high school staff in the use of
 17 mobile computing devices by students in the classroom, and the integration
 18 of such use into the curriculum. For the purposes of this subsection, the
 19 support units used to calculate this statewide figure shall be the statewide
 20 support units used to calculate the distribution of salary-based apportion-
 21 ment funds in the current fiscal year.

22 (7) The state board of education shall promulgate rules to implement
 23 the provisions of this section.

24 SECTION 26. That Chapter 16, Title 33, Idaho Code, be, and the same is
 25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 26 ignated as Section 33-1627A, Idaho Code, and to read as follows:

27 33-1627A. NOMINAL VALUE PROPERTY. The legislature hereby declares
 28 each mobile computing device provided pursuant to section 33-1627, Idaho
 29 Code, to be of nominal value upon each student's graduation, and therefore
 30 each student's mobile computing device shall become their property upon
 31 their successful graduation from high school, any other provision of law
 32 notwithstanding. The legislature hereby declares such transfer of nominal
 33 value property to graduates to render a benefit to the state of Idaho and its
 34 citizens.

35 SECTION 27. That Section 33-5208, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
 38 in subsection (8) of this section, from the state educational support pro-
 39 gram the state department of education shall make the following apportion-
 40 ment to each public charter school for each fiscal year based on attendance
 41 figures submitted in a manner and time as required by the department of edu-
 42 cation:

43 (1) Per student support. Computation of support units for each public
 44 charter school shall be calculated as if it were a separate school accord-
 45 ing to the schedules in section 33-1002(4), Idaho Code, except that public
 46 charter schools with fewer than one hundred (100) secondary ADA shall use a
 47 divisor of ~~twelve~~ thirteen and one-quarter ($12\frac{1}{4}$) and the minimum units

1 shall not apply, and no public charter school shall receive an increase in
 2 support units that exceeds the support units it received in the prior year
 3 by more than thirty (30). Funding from the state educational support pro-
 4 gram shall be equal to the total distribution factor, plus the salary-based
 5 apportionment provided in chapter 10, title 33, Idaho Code. Provided how-
 6 ever, any public charter school that is formed by the conversion of an exist-
 7 ing traditional public school shall be assigned divisors, pursuant to sec-
 8 tion 33-1002, Idaho Code, that are no lower than the divisors of the school
 9 district in which the traditional public school is located, for each cate-
 10 gory of pupils listed.

11 (2) Special education. For each student enrolled in the public charter
 12 school who is entitled to special education services, the state and federal
 13 funds from the exceptional child education program for that student that
 14 would have been apportioned for that student to the school district in which
 15 the public charter school is located.

16 (3) Alternative school support. Public charter schools may qualify un-
 17 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided
 18 the public charter school meets the necessary statutory requirements, and
 19 students qualify for attendance at an alternative school as provided by rule
 20 of the state board of education.

21 (4) Transportation support. Support shall be paid to the public char-
 22 ter school as provided in chapter 15, title 33, Idaho Code, and section
 23 33-1006, Idaho Code. Each public charter school shall furnish the depart-
 24 ment with an enrollment count as of the first Friday in November, of public
 25 charter school students who are eligible for reimbursement of transporta-
 26 tion costs under the provisions of this subsection and who reside more than
 27 one and one-half (1 1/2) miles from the school. For charter schools in the
 28 initial year of operation, the petition shall include a proposal for trans-
 29 portation services with an estimated first year cost. The state department
 30 of education is authorized to include in the annual appropriation to the
 31 charter school sixty percent (60%) of the estimated transportation cost.
 32 The final appropriation payment in July shall reflect reimbursements of ac-
 33 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state
 34 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-
 35 dent to be transported must reside within the public charter school's atten-
 36 dance zone, and must meet at least one (1) of the following two (2) criteria:

37 (a) The student resides within the school district in which the public
 38 charter school is physically located; or

39 (b) The student resides within fifteen (15) miles of the public charter
 40 school, by road.

41 The limitations placed by this subsection on the reimbursement of
 42 transportation costs for certain students shall not apply to public virtual
 43 schools.

44 (5) Payment schedule. The state department of education is authorized
 45 to make an advance payment of twenty-five percent (25%) of a public charter
 46 school's estimated annual apportionment for its first year of operation, and
 47 each year thereafter, provided the public charter school has an increase of
 48 student population in any given year of twenty (20) students or more, to as-
 49 sist the school with initial start-up costs or payroll obligations.

1 (a) For a state public charter school to receive the advance payment,
2 the school shall submit its anticipated fall membership for each grade
3 level to the state department of education by June 1.

4 (b) Using the figures provided by the public charter school, the state
5 department of education shall determine an estimated annual apportion-
6 ment from which the amount of the advance payment shall be calculated.
7 Advance payment shall be made to the school on or after July 1 but no
8 later than July 31.

9 (c) All subsequent payments, taking into account the one-time advance
10 payment made for the first year of operation, shall be made to the public
11 charter school in the same manner as other traditional public schools in
12 accordance with the provisions of section 33-1009, Idaho Code.

13 A public charter school shall comply with all applicable fiscal requirements
14 of law, except that the following provisions shall not be applicable to
15 public charter schools: section 33-1003B, Idaho Code, relating to guaran-
16 teed minimum support; that portion of section 33-1004, Idaho Code, relating
17 to reduction of the administrative and instructional staff allowance when
18 there is a discrepancy between the number allowed and the number actually em-
19 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
20 indices.

21 (6) Nothing in this chapter shall be construed to prohibit any private
22 person or organization from providing funding or other financial assistance
23 to the establishment or operation of a public charter school.

24 (7) Nothing in this chapter shall prevent a public charter school from
25 applying for federal grant moneys.

26 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-
27 lic virtual schools shall be assigned divisors, pursuant to section
28 33-1002, Idaho Code, that are no higher than the median divisor shown
29 for each respective category of pupils, among the possible divisors
30 listed, for each respective category of pupils that contains more than
31 one (1) divisor. If there is an even number of possible divisors listed
32 for a particular category of pupils, then the lesser of the two (2) me-
33 dian divisors shall be used. For the period July 1, 2005, through June
34 30, 2007, all public virtual schools shall be assigned divisors, pur-
35 suant to section 33-1002, Idaho Code, that are no higher than the second
36 highest divisor shown, among the possible divisors listed, for each
37 respective category of pupils that contains more than one (1) divisor.
38 The divisor provisions contained herein shall only be applicable to
39 the number of pupils in average daily attendance in such public virtual
40 schools for the period July 1, 2003, through June 30, 2004. If the num-
41 ber of pupils in average daily attendance in any particular category
42 of pupils increases, during the period July 1, 2004, through June 30,
43 2005, to a number above that which existed in the prior fiscal year, then
44 those additional pupils in average daily attendance shall be assigned
45 the divisor, pursuant to section 33-1002, Idaho Code, that would have
46 otherwise been assigned to the school district or public charter school
47 had this section not been in force.

48 (b) Each student in attendance at a public virtual school shall be
49 funded based upon either the actual hours of attendance in the public
50 virtual school on a flexible schedule, or the percentage of coursework

completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

SECTION 28. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of ~~twelve~~ fourteen and two-tenths (124.2) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for trans-

1 portation services with an estimated first year cost. The state department
 2 of education is authorized to include in the annual appropriation to the
 3 charter school sixty percent (60%) of the estimated transportation cost.
 4 The final appropriation payment in July shall reflect reimbursements of ac-
 5 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state
 6 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-
 7 dent to be transported must reside within the public charter school's atten-
 8 dance zone, and must meet at least one (1) of the following two (2) criteria:

9 (a) The student resides within the school district in which the public
 10 charter school is physically located; or

11 (b) The student resides within fifteen (15) miles of the public charter
 12 school, by road.

13 The limitations placed by this subsection on the reimbursement of
 14 transportation costs for certain students shall not apply to public virtual
 15 schools.

16 (5) Payment schedule. The state department of education is authorized
 17 to make an advance payment of twenty-five percent (25%) of a public charter
 18 school's estimated annual apportionment for its first year of operation, and
 19 each year thereafter, provided the public charter school has an increase of
 20 student population in any given year of twenty (20) students or more, to as-
 21 sist the school with initial start-up costs or payroll obligations.

22 (a) For a state public charter school to receive the advance payment,
 23 the school shall submit its anticipated fall membership for each grade
 24 level to the state department of education by June 1.

25 (b) Using the figures provided by the public charter school, the state
 26 department of education shall determine an estimated annual apportion-
 27 ment from which the amount of the advance payment shall be calculated.
 28 Advance payment shall be made to the school on or after July 1 but no
 29 later than July 31.

30 (c) All subsequent payments, taking into account the one-time advance
 31 payment made for the first year of operation, shall be made to the public
 32 charter school in the same manner as other traditional public schools in
 33 accordance with the provisions of section 33-1009, Idaho Code.

34 A public charter school shall comply with all applicable fiscal requirements
 35 of law, except that the following provisions shall not be applicable to
 36 public charter schools: section 33-1003B, Idaho Code, relating to guaran-
 37 teed minimum support; that portion of section 33-1004, Idaho Code, relating
 38 to reduction of the administrative and instructional staff allowance when
 39 there is a discrepancy between the number allowed and the number actually em-
 40 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
 41 indices.

42 (6) Nothing in this chapter shall be construed to prohibit any private
 43 person or organization from providing funding or other financial assistance
 44 to the establishment or operation of a public charter school.

45 (7) Nothing in this chapter shall prevent a public charter school from
 46 applying for federal grant moneys.

47 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-
 48 lic virtual schools shall be assigned divisors, pursuant to section
 49 33-1002, Idaho Code, that are no higher than the median divisor shown
 50 for each respective category of pupils, among the possible divisors

1 listed, for each respective category of pupils that contains more than
 2 one (1) divisor. If there is an even number of possible divisors listed
 3 for a particular category of pupils, then the lesser of the two (2) me-
 4 dian divisors shall be used. For the period July 1, 2005, through June
 5 30, 2007, all public virtual schools shall be assigned divisors, pur-
 6 suant to section 33-1002, Idaho Code, that are no higher than the second
 7 highest divisor shown, among the possible divisors listed, for each
 8 respective category of pupils that contains more than one (1) divisor.
 9 The divisor provisions contained herein shall only be applicable to
 10 the number of pupils in average daily attendance in such public virtual
 11 schools for the period July 1, 2003, through June 30, 2004. If the num-
 12 ber of pupils in average daily attendance in any particular category
 13 of pupils increases, during the period July 1, 2004, through June 30,
 14 2005, to a number above that which existed in the prior fiscal year, then
 15 those additional pupils in average daily attendance shall be assigned
 16 the divisor, pursuant to section 33-1002, Idaho Code, that would have
 17 otherwise been assigned to the school district or public charter school
 18 had this section not been in force.

19 (b) Each student in attendance at a public virtual school shall be
 20 funded based upon either the actual hours of attendance in the public
 21 virtual school on a flexible schedule, or the percentage of coursework
 22 completed, whichever is more advantageous to the school, up to the maxi-
 23 mum of one (1) full-time equivalent student.

24 (c) All federal educational funds shall be administered and dis-
 25 tributed to public charter schools, including public virtual schools,
 26 that have been designated by the state board of education as a local edu-
 27 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

28 (9) Nothing in this section prohibits separate face-to-face learning
 29 activities or services.

30 SECTION 29. That Section 33-5208, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
 33 in subsection (8) of this section, from the state educational support pro-
 34 gram the state department of education shall make the following apportion-
 35 ment to each public charter school for each fiscal year based on attendance
 36 figures submitted in a manner and time as required by the department of edu-
 37 cation:

38 (1) Per student support. Computation of support units for each public
 39 charter school shall be calculated as if it were a separate school accord-
 40 ing to the schedules in section 33-1002(4), Idaho Code, except that public
 41 charter schools with fewer than one hundred (100) secondary ADA shall use a
 42 divisor of ~~twelve~~ fourteen and three-tenths (124.3) and the minimum units
 43 shall not apply, and no public charter school shall receive an increase in
 44 support units that exceeds the support units it received in the prior year
 45 by more than thirty (30). Funding from the state educational support pro-
 46 gram shall be equal to the total distribution factor, plus the salary-based
 47 apportionment provided in chapter 10, title 33, Idaho Code. Provided how-
 48 ever, any public charter school that is formed by the conversion of an exist-
 49 ing traditional public school shall be assigned divisors, pursuant to sec-

tion 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's attendance zone, and must meet at least one (1) of the following two (2) criteria:

(a) The student resides within the school district in which the public charter school is physically located; or

(b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

(a) For a state public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

1 (c) All subsequent payments, taking into account the one-time advance
2 payment made for the first year of operation, shall be made to the public
3 charter school in the same manner as other traditional public schools in
4 accordance with the provisions of section 33-1009, Idaho Code.

5 A public charter school shall comply with all applicable fiscal requirements
6 of law, except that the following provisions shall not be applicable to
7 public charter schools: section 33-1003B, Idaho Code, relating to guaran-
8 teed minimum support; that portion of section 33-1004, Idaho Code, relating
9 to reduction of the administrative and instructional staff allowance when
10 there is a discrepancy between the number allowed and the number actually em-
11 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
12 indices.

13 (6) Nothing in this chapter shall be construed to prohibit any private
14 person or organization from providing funding or other financial assistance
15 to the establishment or operation of a public charter school.

16 (7) Nothing in this chapter shall prevent a public charter school from
17 applying for federal grant moneys.

18 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-
19 lic virtual schools shall be assigned divisors, pursuant to section
20 33-1002, Idaho Code, that are no higher than the median divisor shown
21 for each respective category of pupils, among the possible divisors
22 listed, for each respective category of pupils that contains more than
23 one (1) divisor. If there is an even number of possible divisors listed
24 for a particular category of pupils, then the lesser of the two (2) me-
25 dian divisors shall be used. For the period July 1, 2005, through June
26 30, 2007, all public virtual schools shall be assigned divisors, pur-
27 suant to section 33-1002, Idaho Code, that are no higher than the second
28 highest divisor shown, among the possible divisors listed, for each
29 respective category of pupils that contains more than one (1) divisor.
30 The divisor provisions contained herein shall only be applicable to
31 the number of pupils in average daily attendance in such public virtual
32 schools for the period July 1, 2003, through June 30, 2004. If the num-
33 ber of pupils in average daily attendance in any particular category
34 of pupils increases, during the period July 1, 2004, through June 30,
35 2005, to a number above that which existed in the prior fiscal year, then
36 those additional pupils in average daily attendance shall be assigned
37 the divisor, pursuant to section 33-1002, Idaho Code, that would have
38 otherwise been assigned to the school district or public charter school
39 had this section not been in force.

40 (b) Each student in attendance at a public virtual school shall be
41 funded based upon either the actual hours of attendance in the public
42 virtual school on a flexible schedule, or the percentage of coursework
43 completed, whichever is more advantageous to the school, up to the maxi-
44 mum of one (1) full-time equivalent student.

45 (c) All federal educational funds shall be administered and dis-
46 tributed to public charter schools, including public virtual schools,
47 that have been designated by the state board of education as a local edu-
48 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

49 (9) Nothing in this section prohibits separate face-to-face learning
50 activities or services.

1 SECTION 30. That Section 33-5208, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
4 in subsection (8) of this section, from the state educational support pro-
5 gram the state department of education shall make the following apportion-
6 ment to each public charter school for each fiscal year based on attendance
7 figures submitted in a manner and time as required by the department of edu-
8 cation:

9 (1) Per student support. Computation of support units for each public
10 charter school shall be calculated as if it were a separate school accord-
11 ing to the schedules in section 33-1002(4), Idaho Code, except that public
12 charter schools with fewer than one hundred (100) secondary ADA shall use
13 a divisor of ~~twelve~~ fourteen and four-tenths (124.4) and the minimum units
14 shall not apply, and no public charter school shall receive an increase in
15 support units that exceeds the support units it received in the prior year
16 by more than thirty (30). Funding from the state educational support pro-
17 gram shall be equal to the total distribution factor, plus the salary-based
18 apportionment provided in chapter 10, title 33, Idaho Code. Provided how-
19 ever, any public charter school that is formed by the conversion of an exist-
20 ing traditional public school shall be assigned divisors, pursuant to sec-
21 tion 33-1002, Idaho Code, that are no lower than the divisors of the school
22 district in which the traditional public school is located, for each cate-
23 gory of pupils listed.

24 (2) Special education. For each student enrolled in the public charter
25 school who is entitled to special education services, the state and federal
26 funds from the exceptional child education program for that student that
27 would have been apportioned for that student to the school district in which
28 the public charter school is located.

29 (3) Alternative school support. Public charter schools may qualify un-
30 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided
31 the public charter school meets the necessary statutory requirements, and
32 students qualify for attendance at an alternative school as provided by rule
33 of the state board of education.

34 (4) Transportation support. Support shall be paid to the public char-
35 ter school as provided in chapter 15, title 33, Idaho Code, and section
36 33-1006, Idaho Code. Each public charter school shall furnish the depart-
37 ment with an enrollment count as of the first Friday in November, of public
38 charter school students who are eligible for reimbursement of transporta-
39 tion costs under the provisions of this subsection and who reside more than
40 one and one-half (1 1/2) miles from the school. For charter schools in the
41 initial year of operation, the petition shall include a proposal for trans-
42 portation services with an estimated first year cost. The state department
43 of education is authorized to include in the annual appropriation to the
44 charter school sixty percent (60%) of the estimated transportation cost.
45 The final appropriation payment in July shall reflect reimbursements of ac-
46 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state
47 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-
48 dent to be transported must reside within the public charter school's atten-
49 dance zone, and must meet at least one (1) of the following two (2) criteria:

1 (a) The student resides within the school district in which the public
2 charter school is physically located; or

3 (b) The student resides within fifteen (15) miles of the public charter
4 school, by road.

5 The limitations placed by this subsection on the reimbursement of
6 transportation costs for certain students shall not apply to public virtual
7 schools.

8 (5) Payment schedule. The state department of education is authorized
9 to make an advance payment of twenty-five percent (25%) of a public charter
10 school's estimated annual apportionment for its first year of operation, and
11 each year thereafter, provided the public charter school has an increase of
12 student population in any given year of twenty (20) students or more, to as-
13 sist the school with initial start-up costs or payroll obligations.

14 (a) For a state public charter school to receive the advance payment,
15 the school shall submit its anticipated fall membership for each grade
16 level to the state department of education by June 1.

17 (b) Using the figures provided by the public charter school, the state
18 department of education shall determine an estimated annual apportion-
19 ment from which the amount of the advance payment shall be calculated.
20 Advance payment shall be made to the school on or after July 1 but no
21 later than July 31.

22 (c) All subsequent payments, taking into account the one-time advance
23 payment made for the first year of operation, shall be made to the public
24 charter school in the same manner as other traditional public schools in
25 accordance with the provisions of section 33-1009, Idaho Code.

26 A public charter school shall comply with all applicable fiscal requirements
27 of law, except that the following provisions shall not be applicable to
28 public charter schools: section 33-1003B, Idaho Code, relating to guaran-
29 teed minimum support; that portion of section 33-1004, Idaho Code, relating
30 to reduction of the administrative and instructional staff allowance when
31 there is a discrepancy between the number allowed and the number actually em-
32 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
33 indices.

34 (6) Nothing in this chapter shall be construed to prohibit any private
35 person or organization from providing funding or other financial assistance
36 to the establishment or operation of a public charter school.

37 (7) Nothing in this chapter shall prevent a public charter school from
38 applying for federal grant moneys.

39 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-
40 lic virtual schools shall be assigned divisors, pursuant to section
41 33-1002, Idaho Code, that are no higher than the median divisor shown
42 for each respective category of pupils, among the possible divisors
43 listed, for each respective category of pupils that contains more than
44 one (1) divisor. If there is an even number of possible divisors listed
45 for a particular category of pupils, then the lesser of the two (2) me-
46 dian divisors shall be used. For the period July 1, 2005, through June
47 30, 2007, all public virtual schools shall be assigned divisors, pur-
48 suant to section 33-1002, Idaho Code, that are no higher than the second
49 highest divisor shown, among the possible divisors listed, for each
50 respective category of pupils that contains more than one (1) divisor.

The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

SECTION 31. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of ~~twelve~~ fourteen and one-half (124.5) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

1 (3) Alternative school support. Public charter schools may qualify un-
2 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided
3 the public charter school meets the necessary statutory requirements, and
4 students qualify for attendance at an alternative school as provided by rule
5 of the state board of education.

6 (4) Transportation support. Support shall be paid to the public char-
7 ter school as provided in chapter 15, title 33, Idaho Code, and section
8 33-1006, Idaho Code. Each public charter school shall furnish the depart-
9 ment with an enrollment count as of the first Friday in November, of public
10 charter school students who are eligible for reimbursement of transporta-
11 tion costs under the provisions of this subsection and who reside more than
12 one and one-half (1 1/2) miles from the school. For charter schools in the
13 initial year of operation, the petition shall include a proposal for trans-
14 portation services with an estimated first year cost. The state department
15 of education is authorized to include in the annual appropriation to the
16 charter school sixty percent (60%) of the estimated transportation cost.
17 The final appropriation payment in July shall reflect reimbursements of ac-
18 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state
19 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-
20 dent to be transported must reside within the public charter school's atten-
21 dance zone, and must meet at least one (1) of the following two (2) criteria:

22 (a) The student resides within the school district in which the public
23 charter school is physically located; or

24 (b) The student resides within fifteen (15) miles of the public charter
25 school, by road.

26 The limitations placed by this subsection on the reimbursement of
27 transportation costs for certain students shall not apply to public virtual
28 schools.

29 (5) Payment schedule. The state department of education is authorized
30 to make an advance payment of twenty-five percent (25%) of a public charter
31 school's estimated annual apportionment for its first year of operation, and
32 each year thereafter, provided the public charter school has an increase of
33 student population in any given year of twenty (20) students or more, to as-
34 sist the school with initial start-up costs or payroll obligations.

35 (a) For a state public charter school to receive the advance payment,
36 the school shall submit its anticipated fall membership for each grade
37 level to the state department of education by June 1.

38 (b) Using the figures provided by the public charter school, the state
39 department of education shall determine an estimated annual apportion-
40 ment from which the amount of the advance payment shall be calculated.
41 Advance payment shall be made to the school on or after July 1 but no
42 later than July 31.

43 (c) All subsequent payments, taking into account the one-time advance
44 payment made for the first year of operation, shall be made to the public
45 charter school in the same manner as other traditional public schools in
46 accordance with the provisions of section 33-1009, Idaho Code.

47 A public charter school shall comply with all applicable fiscal requirements
48 of law, except that the following provisions shall not be applicable to
49 public charter schools: section 33-1003B, Idaho Code, relating to guaran-
50 teed minimum support; that portion of section 33-1004, Idaho Code, relating

1 to reduction of the administrative and instructional staff allowance when
 2 there is a discrepancy between the number allowed and the number actually em-
 3 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
 4 indices.

5 (6) Nothing in this chapter shall be construed to prohibit any private
 6 person or organization from providing funding or other financial assistance
 7 to the establishment or operation of a public charter school.

8 (7) Nothing in this chapter shall prevent a public charter school from
 9 applying for federal grant moneys.

10 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-
 11 lic virtual schools shall be assigned divisors, pursuant to section
 12 33-1002, Idaho Code, that are no higher than the median divisor shown
 13 for each respective category of pupils, among the possible divisors
 14 listed, for each respective category of pupils that contains more than
 15 one (1) divisor. If there is an even number of possible divisors listed
 16 for a particular category of pupils, then the lesser of the two (2) me-
 17 dian divisors shall be used. For the period July 1, 2005, through June
 18 30, 2007, all public virtual schools shall be assigned divisors, pur-
 19 suant to section 33-1002, Idaho Code, that are no higher than the second
 20 highest divisor shown, among the possible divisors listed, for each
 21 respective category of pupils that contains more than one (1) divisor.
 22 The divisor provisions contained herein shall only be applicable to
 23 the number of pupils in average daily attendance in such public virtual
 24 schools for the period July 1, 2003, through June 30, 2004. If the num-
 25 ber of pupils in average daily attendance in any particular category
 26 of pupils increases, during the period July 1, 2004, through June 30,
 27 2005, to a number above that which existed in the prior fiscal year, then
 28 those additional pupils in average daily attendance shall be assigned
 29 the divisor, pursuant to section 33-1002, Idaho Code, that would have
 30 otherwise been assigned to the school district or public charter school
 31 had this section not been in force.

32 (b) Each student in attendance at a public virtual school shall be
 33 funded based upon either the actual hours of attendance in the public
 34 virtual school on a flexible schedule, or the percentage of coursework
 35 completed, whichever is more advantageous to the school, up to the maxi-
 36 mum of one (1) full-time equivalent student.

37 (c) All federal educational funds shall be administered and dis-
 38 tributed to public charter schools, including public virtual schools,
 39 that have been designated by the state board of education as a local edu-
 40 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

41 (9) Nothing in this section prohibits separate face-to-face learning
 42 activities or services.

43 SECTION 32. That Chapter 52, Title 33, Idaho Code, be, and the same is
 44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 45 ignated as Section 33-5216, Idaho Code, and to read as follows:

46 33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH
 47 SCHOOLS. (1) Any public postsecondary institution located in this state is
 48 hereby authorized to operate a public charter high school in Idaho. The pro-
 49 visions of chapter 52, title 33, Idaho Code, shall apply to each such public

1 charter high school in the same manner and to the same extent as the provi-
2 sions of charter school law apply to other public charter schools, with the
3 exception of certain conditions and applications as specifically provided
4 in this section.

5 (2) A public postsecondary institution may petition to establish a pub-
6 lic charter high school to the state board of education or to the local board
7 of trustees. Any provision or reference to the public charter school commis-
8 sion found in chapter 52, title 33, Idaho Code, shall mean, for the purposes
9 of this section, the state board of education.

10 (3) The president or chief executive officer of such postsecondary in-
11 stitution, or his designee(s), shall serve as the board of trustees of any
12 public charter high school opened for educational instruction pursuant to
13 this section.

14 (4) For the purposes of this section, the term "high school" means a
15 school serving any grades from ninth grade or higher.

16 SECTION 33. Nothing in this act shall prevent the Legislature from
17 adjusting any component of any public school funding formula in any fiscal
18 year, pursuant to the needs of public schools and the constitutional re-
19 quirement that the state of Idaho maintain a balanced budget.

20 SECTION 34. SEVERABILITY. The provisions of this act are hereby de-
21 clared to be severable and if any provision of this act or the application
22 of such provision to any person or circumstance is declared invalid for any
23 reason, such declaration shall not affect the validity of the remaining por-
24 tions of this act.

25 SECTION 35. Sections 1, 2, 3, 4, 10, 14, 15, 18, 22, 23, 24, 25, 27, 32,
26 33 and 34 of this act shall be in full force and effect on and after July 1,
27 2011. Sections 5, 9, 11, 16, 19, 20, 21, 26 and 28 of this act shall be in full
28 force and effect on and after July 1, 2012. Sections 6, 12, 17 and 29 of this
29 act shall be in full force and effect on and after July 1, 2013. Sections 7,
30 13 and 30 of this act shall be in full force and effect on and after July 1,
31 2014. Sections 8 and 31 of this act shall be in full force and effect on and
32 after July 1, 2015.